



भारत का राजस्वी The Gazette of India

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नई दिल्ली, शनिवार, फरवरी 4, 1984/ माघ 15, 1905

No. 5) NEW DELHI, SATURDAY, FEBRUARY 4, 1984/MAGHA 15, 1905

इस भाग के लिये पृष्ठ संख्या दी जाती है फिलसे फिल यह भलग संख्या के काम में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (ii)

(रक्त विभाग को छोड़ कर) भारत सरकार के विभागीय द्वारा जारी किये जाने वाले विभिन्न घोषणाएँ और अधिसूचनाएँ
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय
(विधायी विभाग)

नई दिल्ली, 13 जनवरी, 1984
सुदूर पत्र

का० आ० 336.—भारत के राजपत्र, ज्ञानधारण, भाग 2, खंड 3, उपखंड (ii), तारीख 21 नवम्बर, 1983 में प्रकाशित भारत सरकार, विधि, न्याय और कम्पनी कार्य मंत्रालय, (विधायी विभाग) की अधिसूचना संख्या का० आ० 847 (अ) तारीख 21 नवम्बर, 1983 में प्रकाश पृष्ठ पर, :—

अधिसूचना की दूसरी पंक्ति में
“अधिसूचना सं० का० आ० 788 (अ)
तारीख 2 नवम्बर, 1983”

के स्थान पर
“अधिसूचना सं० का० आ० 788 (अ)
तारीख 1 नवम्बर, 1983”
पढ़े।

[सं० एफ० 13 (7)/83 वि० II]
जगदीश चन्द्र, अवर सचिव

MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS
(Legislative Department)

New Delhi, the 13th January, 1984

CORRIGENDUM

S.O. 336.—In the notification of the Government of India, in the Ministry of Law, Justice and Company Affairs (Legislative Department) No. S. O. No. 847(E) dated the

1328 GI/83—1

21st November, 1983 published in the Gazette of India Extraordinary, Part II, Section 3, sub-section (ii) dated the 21st November, 1983 at page 2—

under the heading “Name of Member” for “Shri Lazmi Narain” read “Shri Laxmi Narain”.

[F. No. 13(7)/83-Leg. II]
JAGDISH CHANDRA, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 11 जनवरी, 1984

आयकर

का० आ० 337.—आयकर अधिनियम, 1961 (1961 का 43) की वारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रत्ये प्रकाशितों का प्रशोग करते हुए केन्द्रीय सरकार एवं द्वारा, “सेट जोन द्वि श्राइट कार्बेट सत्य मंगलम” को उक्त वारा के प्रयोगनार्थे कर निश्चारण वर्ष 1982-83 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5576/का० सं० 197/165/32-आ० का० (गि०-1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 11th January, 1984

INCOME-TAX

S.O. 337.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-Tax Act, 1961 (43 of 1961), the Central Government hereby

notifies "St. John de Britte Convent Sathyamangalam" for the purpose of the said section for the period covered by the assessment years 1982-83 to 1984-85.

[No. 5576/F. No. 197/165/82-II(AI)]

आयकर

का० आ० 338.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा, "श्री राजत गिरी-श्वर स्वामी टेम्पल, तमिलनाडु" की उक्त धारा के प्रयोजनार्थ कर्तव्यार्थ 1983-84 और 1984-85 के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं० 5574/का० सं० 197/84/82-आ० क० (नि०-१)]

आर० के० तिवारी, अवर सचिव

INCOME-TAX

S.O. 338.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Rajathagireswara Swamy Temple, Tamil Nadu" for the purpose of the said section for the period covered by the assessment years 1983-84 and 1984-85.

[No. 5574/F. No. 197/84/82-IT(AI)]

R. K. TEWARI, Under Secy.

आदेश

नई दिल्ली, 17 जनवरी, 1984

स्टाम्प

का० आ० 339.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मौसम आर० टी० सी० लिमिटेड, कलकत्ता को केवल ब्राइट लाइन पकास हाजार रुपए के उस समेकित स्टाम्प शुल्क की अवायायी करने की अनुमति देती है जो उक्त मौसम आर० टी० सी० लिमिटेड, कलकत्ता द्वारा जारी किए जाने वाले तीस करोड़ रुपए के अंकित मूल्य के अर्णवपत्रों के रूप में अधिपत्रों पर प्रभारी है।

[संज्ञा 3/84-स्टाम्प का० सं० 33/41/83-वि० क०]

ORDER

New Delhi, the 17th January, 1984

STAMPS

S.O. 339.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. I.T.C. Limited, Calcutta to pay consolidated stamp duty of rupees twenty two lakhs and fifty thousand only, chargeable on account of the stamp duty on bonds in the form of debentures of the face value of rupees thirty crores to be issued by the said M/s. I.T.C. Limited, Calcutta.

[No. 3/84-Stamp-F. No. 33/41/83-ST]

आदेश

नई दिल्ली, 19 जनवरी, 1984

स्टाम्प

का० आ० 340.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा महाराष्ट्र अवाय

प्रया सेत्र विकास प्राधिकरण, बंगलौर को भारत अवाय द्वारा पांच सौ रुपए के उस समेकित स्टाम्प शुल्क की अवायायी की अनुमति देती है जो उक्त प्राधिकरण द्वारा जारी किए जाने वाले एक करोड़ और उस लाख रुपये के अंकित मूल्य के अर्णवपत्रों (1998-11 की भूमता) के रूप में अधिपत्रों पर स्टाम्प शुल्क प्रभारी है।

[संज्ञा 2/84-स्टाम्प का० सं० 33/38/83-वि० क०]

ORDER

New Delhi, the 19th January, 1984

STAMPS

S.O. 340.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Maharashtra Housing and Area Development Authority, Bombay to pay consolidated stamp duty of eighty two thousand and five hundred rupees only, chargeable on account of the stamp duty on bonds in the form of debentures (1998-XT-Series) of the face value of One crore and Ten lakhs of rupees to be issued by the said Authority.

[No. 2/84-Stamp-F. No. 33/38/83-ST]

आदेश

स्टाम्प

का० आ० 341.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो कर्नाटक राज्य वित्तीय निगम, बंगलौर द्वारा केवल चार सौ पचास लाख रुपये मूल्य के प्रामिसरी नोटों के रूप में जारी किये जाने वाले बंधपत्रों पर उक्त अधिनियम के अंतर्गत प्रभारी है।

[सं० 4/84-स्टाम्प-का० सं० 33/28/83-वि० क०]

ORDER

STAMPS

S.O. 341.—In exercise of the powers conferred by clause 9(a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty which the bonds in the nature of Promissory Notes of the value of rupees four hundred and ninety five lakhs only to be issued by the Karnataka State Financial Corporation, Bangalore are chargeable under the said Act.

[No. 4/84-Stamp-F. No. 33/28/83-ST]

आदेश

स्टाम्प

का० आ० 342.—भारतीय स्टाम्प अधिनियम, 1899, (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार एतद्वारा उस शुल्क को माफ करती है जो पंजाब वित्त निगम चंडीगढ़ द्वारा अर्णवपत्रों (24वीं श्रृंखला) के रूप में जारी किए जाने वाले केवल दो सौ पचास हाल्फ लाख रुपये मूल्य के बंधपत्रों पर उक्त अधिनियम के अंतर्गत प्रभारी है।

[सं० 5/84-स्टाम्प-का० सं० 33/9/83-वि० क०]

ORDER

STAMPS

S.O. 342.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures

(24) the Series) of the value of rupees two hundred and seventy five lakhs only to be issued by the Punjab Financial Corporation, Chandigarh, are chargeable under the said Act.

[No. 5/84-Stamp-F. No. 33/9/83-ST]

અનુભૂતિ

साम्य

का० आ० 343—भारतीय स्टाम्प अधिनियम 1899 (1899 का० 2) की धारा 9 को उपधारा (1) के छंड (ब) द्वारा प्रदत्त प्रक्रियाओं का प्रयोग करते हुए कंट्रीप सत्कार एवं द्वारा दाता हैजीनियरिंग और लोकोमोटिव कम्पनी निमित्त, अम्बर्ह शहर, 24, शोमी मोदी स्टीट अम्बर्ह-400023 को केवल 22 लाख, 50 हजार रुपये के संभित स्टाम्प शुल्क की अवाप्ति करने की अनुमति दीरा है जो उसके कम्पनी द्वारा तीस करोड़ रुपये अंकित मूल्य के छहगतों के रूप में जारी किये जाने वाले बंधपत्रों पर स्टाम्प शुल्क के रूप में प्राप्त है।

[संस्कृता ६/८४-स्टाम्प-फां सं ३३/४०/८३-वि० क०]

भगवान् यास, अवर सचिव

**ORDER
STAMPS**

S.O. 343.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1988 (2 of 1899), the Central Government hereby permits M/s. Tata Engineering and Locomotive Company Limited, Bombay House, 24, Homi Mody Street, Fort, Bombay-400023 to pay consolidated stamp duty of rupees twenty two lakhs and fifty thousand only, chargeable on account of the stamp duty on bonds in the form of debentures of the face value of rupees thirty crores to be issued by the said Company.

[No. 6/84-Stamps-F. No. 33/40/83 ST]
BHAGWAN DAS, Under Secy.

नई धिस्सी, 18 जनवरी, 1981

आयकर

कांगड़ा 344.—विस मंत्रालय (राजस्व विभाग) में, ग्राम्यकर भवित्वनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) के भनुसरण में जारी की गई विनाक 28 मई, 1981 की अधिसूचना रांक्षा 3978 (कांगड़ा 398/3/81-ग्राम्यकान्दा) जिसमें भी एस०के० प्रदेशिमय की नियुक्ति कर वसूली प्रधिकारी के काप में की गई थी, को एसव०द्वारा रद्द किया जाता है।

2. यह घटिसूचना, श्री एस०के० प्रावेशिमय द्वारा कर यस्ती घटिकारों के पात्र का कार्यभार द्वाये जाने की सारीत्व से लाग द्वायी ।

[सं० ३५९० (फा०सं० ३९८/१/८४-मा०क०व०)]
म०१०४० पर्सेवर्जेन्टर, पावर सचिव

New Delhi, the 18th January, 1984

INCOME TAX

S.O. 344.—The notification issued in the Ministry of Finance (Department of Revenue) No. 3978 (F. No. (398/3/81-ITCB3 dated the 28th May, 1981, in pursuance of sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), appointing Shri S. K. Pardeshimath as Tax Recovery Officer is hereby cancelled.

2. This notification shall come into force w.e.f. the date Shri S. K. Pardeshimath hands over charge as Tax Recovery Officer.

[No. 5590 (F. No. 398/1/84-IT(B))]
B. E. ALEXANDER, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 15 अक्टूबर, 1983

सायंकार

कांगड़ा ३४५—गत, आयकर मध्यनियम, १९६१ (१९६१ का ४३) की धारा १२१ की उप-धारा (१) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड ने अम्बर्हाई सिटी—I, II, III, IV, V, VI, VII, VIII, IX, X, XI तथा XII के आयकर आयुक्तों के समवर्ती क्षेत्राधिकार आयकर आयुक्त, जांच अम्बर्हाई को प्रदत्त किए हैं, केन्द्रीय प्रत्यक्ष कर बोर्ड धारा १२१ की उपधारा (२) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एवं उक्तद्वारा नियंत्रण देता है कि इसके साथ संलग्न अनुसूची के स्तम्भ (१) में विनिर्दिष्ट आयकर आयुक्त, जिसका प्रधान कार्यालय उक्त अनुसूची के स्तम्भ (२) में विनिर्दिष्ट है, उक्त अनुसूची के स्तम्भ (३) में यथा उल्लिखित ऐसे मामलों अथवा यामलों की श्रेणियों के सम्बन्ध में अकेले कार्यों का नियंत्रण करेंगा और वस्त्रही सिटी—I, II, III, IV, V, VI, VII, VIII, IX, X, XI एवं XII के आयकर आयुक्त उक्त अनुसूची के स्तम्भ ३ में यथा उल्लिखित मामलों अथवा यामलों की श्रेणियों के संबंध में कार्य गहरी करेंगा।

आयकर आयुक्त	प्रश्न कार्यालय	सेवाधिकार
1	2	3
जारी	बन्धै	<p>(क) बन्धै सिटी—I, II, III, IV, V, VI, VII, VIII, IX, X, XI, एवं XII के आयकर आयुक्तों के सेवाधिकार में भाने वाले भैत्रों के बारे में सर्वेक्षण की सामान्य शक्तियाँ।</p> <p>(ख) बन्धै सिटी—I, II, III, IV, V, VI, VII, VIII, IX, X, XI, एवं XII, के आयकर आयुक्तों के सेवाधिकार में पड़ने वाले मामलों संबंधी वे सर्वेक्षण घाँड़ परिमण्डल जितमें कोई कर-निधारण नहीं किया गया है और जहाँ या तो आयकर की विवरणों पहली बार दाखिल की गई है या उन मामलों को छोड़ कर जो निम्नलिखित आयकर परिमण्डलों/ घाँड़ों/जनुभागों के सेवाधिकार में आते हैं, आयकर अधिनियम 1961 की धारा 139(2) /148 के अद्वीन कोई नोटिस जारी किया गया है अथवा जारी किया जाना है:</p> <ol style="list-style-type: none"> i. कंपनी परिमण्डल ii. वेतन परिमण्डल iii. खास परिमण्डल iv. व्यावसायिक परिमण्डल

1	2	3
v. भवाई		
vi. फिल्म परिमण्डल		
vii. बस्टर्ड वासी परिमण्डल		
viii. अनिवासी वापशी परिमण्डल		
ix. विवेशी कपनी परिमण्डल, और		
x. विवेशी अनुपायग ।		
परन्तु यह कि आयकर अधिकार (जांच) बम्बई का 15 अक्टूबर 1983 को या उसके बाद उन सर्वेक्षण परिमण्डलों/ दाढ़ों के मामलों में ज्ञानाधिकार ममाल हो जाएगा जहाँ कम से कम एक करनिवारण 15 अक्टूबर, 1983 तक पूरा हो गया है। ऐसे मामलों के बारे में ज्ञानाधिकार, बम्बई सिटी—I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII के ऐसे आयकर जायकरों में निहित होंगे, यथावस्था, जिन मामलों के बारे में उनकी ज्ञेयीय अधिकारिता हो।		
(ग) (i) मर्वेशन परिमण्डल I		
ii. सर्वेक्षण परिमण्डल II		
iii र निवारण परिमण्डल XI		
iv. घारा 124(1) के अधीन आयकर अधिकार (जांच) बम्बई द्वारा उसके निहित शक्तियों के अधीन बनाया गया कोई अन्य परिमण्डल।		

यह जारीसूचना 15 अक्टूबर, 1983 से प्रभावी होगी।

[सं. 5427 (फॉर्म सं. 187/16/83-आ०फ०नि० 1)]

श्री० श्री० थोनिवासन, निदेशक
केन्द्रीय प्रसरण कर बोर्ड

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 15th October, 1983

INCOME-TAX

S.O. 345.—Whereas in exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes have conferred on

Commissioner of Income-tax, Investigation, Bombay jurisdiction concurrent with those of the Commissioners of Income-tax, Bombay City—I, II, III, IV, V, VI, VII, VIII, IX, X, XI & XII, the Central Board of Direct Taxes in exercise of the powers conferred by sub-section (2) of Section 121, hereby directs that the Commissioner of Income-tax specified in Column 1 of the Schedule hereto annexed with headquarters specified in column (2) thereof shall alone perform functions in respect of such cases or classes of cases as are referred to in column (3) of the said schedule and the Commissioners of Income-tax, Bombay City—I, II, III, IV, V, VI, VII, VIII, IX, X, XI & XII shall not exercise functions over the cases or classes of cases as are referred to in column 3 of the said schedule.

Commissioner of Income-tax	Head-quarters	Jurisdiction
1	2	3
Investigation	Bombay	(a) General power of survey in respect of areas comprised in the jurisdiction of Commissioners of Income Tax, Bombay City—I, II, III, IV, V, VI, VII, VIII, IX, X, XI & XII. (b) Survey wards/circles dealing with cases falling in the jurisdiction of Commissioners of Income-tax, Bombay City—I, II, III, IV, V, VI, VII, VIII, IX, X, XI & XII in which no assessment has been made and where either a return of income has been filed for the first time or a notice under section 139(2)/148 of the Income-tax Act, 1961 is issued or is to be issued excluding those cases coming under the jurisdiction of following Income-tax Circles/wards/sections : (i) Companies Circles (ii) Salaries Circles (iii) Trust Circle (iv) Professional Circle (v) X Ward (vi) Film Circle (vii) Bombay Refund Circle (viii) Non-Resident Refund Circle (ix) Foreign Companies Circle, and (x) Foreign Section Provided that the Commissioner of Income-tax (Investigation), Bombay, would cease to have jurisdiction on or after 15-10-83 over cases of survey circles/wards where atleast one assessment has been completed upto 15-10-83. In respect of such cases jurisdiction

1	2	3
would stand vested with the Commissioner of Income-tax, Bombay City-I, II, III, IV, V, VI, VII, VIII, IX, X, XI & XII as the cases may be having territorial jurisdiction in respect of such cases.		
(c) (i) Survey Circle I		
(ii) Survey Circle II		
(iii) Assessment Circle XI		
(iv) Any other circle created by the CIT (Inv.) Bombay under the powers vested in him u/s 124(1).		

This notification comes into effect from 15-10-1983.

[No. 5427 (F. No. 187/16/83-ITA)]

V.B. SRINIVASAN, Director,
Central Board of Direct Taxes

S.O. 347.—In pursuance of sub-clause (1) of clause 5, read with clause 7 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri T. Tiwari, who has been appointed as Managing Director of the Bank of India with effect from January 14, 1984 to be the Chairman of the Board of Directors of the Bank of India with effect from the same date.

[No. F. 9/38/83-BO(2)]

C. W. MIRCHANDANI, Dy. Secy.

केन्द्रीय उत्तराद शुल्क समाहितालिय, मध्य प्रदेश

इंदौर, 16 विसंवर, 1983

अधिसूचना सं. १/८३

केन्द्रीय उत्तराद शुल्क

का० आ० 348.—केन्द्रीय उत्तराद शुल्क नियमावसी 1944 के नियम 5 के अन्तर्गत मुझे प्रदत्त समितियों का प्रयोग करने हुए, मैं मध्य प्रदेश समाहितालिय के सहायक समाहितालियों के द्वारा उत्तराद शुल्क को उनके सम्बद्ध अधिकार लंबां में नियम 173 पर्याके उत्तराद (5) तथा नियम 173 पर्याके उत्तराद (6) के अन्तर्गत समाहितालियों की सार्वत्त्वीय का प्रयोग करने के लिए अधिकृत करता हूँ।

[का० सं. ४ (१६)८-३/८१/भाग एक]

CENTRAL EXCISE COLLECTORATE, MADHYA PRADESH

Indore, the 16th December, 1983

NOTIFICATION No. 3/83

CENTRAL EXCISES

S.O. 348.—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules, 1944, I empower the Assistant Collectors of Central Excise in Madhya Pradesh, Collectorate to exercise the powers of Collector under Sub-rule (5) of Rule 173PP and Sub-rule (6) of Rule 173PP with in their respective jurisdictions.

[C No. IV(16)/8-3/81/PT.I]

इंदौर, 32 अक्टूबर, 1983

अधिसूचना सं. २/८३

केन्द्रीय उत्तराद शुल्क

का० आ० 349.—मैं केन्द्रीय उत्तराद शुल्क नियमावसी 1944 के नियम 3 के अन्तर्गत मुझे प्रदत्त समितियों का प्रयोग करने हुए मध्य प्रदेश समाहितालिय के अधिकारियों जो सहायक समाहितालियों के द्वारा उत्तराद शुल्क की ओर से कम न हों उनके सम्बद्ध अधिकार लंबां के भोतर नियम 191-के उत्तराद 2(ब) तथा नियम 191-ब्य में संशोधित आपूर्वा के अनुसोदन के लिए समाहितालियों का प्रयोग करने के लिए अधिकृत करता हूँ।

2 अधिसूचना सं. १/८१ वि० २८-२-८१ इस भीमा तक के लिए संशोधित किया जाता है।

[का० सं. ४ (१६) ३-३/८१/क० ३० श०/नाग द्वा०]
शिवम के० धर, समाहिता

Indore, the 22nd October, 1983

NOTIFICATION NO. 2/83

CENTRAL EXCISES

S.O. 349.—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules, 1944, I empower officers

का० आ० 347.—केन्द्रीय उत्तराद शुल्क (प्रबंध और प्रकारीय उत्तराद) स्कूल, 1970 के खण्ड 7 के द्वारा निर्धारित खण्ड 5 के उत्तराद (1) के अनुसार ये लेन्ड्रीय उत्तराद अधिकार अधिकारीय नियंत्रण के परामर्शदाता के द्वारा दी० तिवारी को जिन्हें 14 अक्टूबर, 1984 से शुल्क आपूर्वा के प्रबंध नियंत्रक के रूप में नियुक्त किया गया है, उस शारीखा में शामिल शुल्क आपूर्वा के नियंत्रक शोषण के अधिकार के रूप में नियुक्त करता है।

[संक्षा एक० ९/८१-व्य० ३००-१ (२)]

व्य० शा० शीर्षकालीन, उत्तराद समिति

SCHEDULE

Sl. No.	Licence No.	Name & Address of the Licensee	Article/Process Covered by the Licensee cancelled	Relevant Indian Standards
(1)	(2)	(3)	(4)	(5)
1	CM/L-1177246 1973-04-04	M/s Devidayal (Sales) Pvt. Ltd. 50/A, SIDC Estate, Kalol 389330 Distt. Panchmahals (GUJARAT)	Phenthuate 50 % EC	IS : 8291-1976 Specification for Phenthuate Emulsifiable concentrates.

[CMD/55: 1177246]

A.S. CHEEMA, Additional Director General (Marks)

संचार मंत्रालय

(डाक-तार बोर्ड)

नई दिल्ली, 17 जनवरी, 1984

का० आ० 352.—अस्थायी आदेश संख्या 627, दिनांक 8 मार्च,
1980 द्वारा सागू किये गये भारतीय तार नियम, 1951 के नियम 434
के बाब्त III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने सागू/
सकलेशपुर टेलीफोन केन्द्र में दिनांक 1-2-1984 से प्रमाणित दर ब्राह्मणी
सागू करने का निश्चय किया है।

[संख्या 5-13/83-पी० एच० बी०]

बेद प्रकाश भारती, सहायक महानिदेशक (पी० एच० बी०)

MINISTRY OF COMMUNICATIONS

(P&T Board)

New Delhi, the 17th January, 1984

S.O. 352.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1980, the Director General, Posts and Telegraphs, hereby specified 1-2-1984 as the date on which the Measured Rate System will be introduced in Sagar/Sakleshpur Telephone Exchanges Karnataka Circle.

[No. 5-13/83-PHB]

V. P. BHARDWAJ, Asstt. Director, General (PHB)

अम और पूर्वांश मंत्रालय

(अम विभाग)

नई दिल्ली, 18 जनवरी, 1984

का० आ० 353.—उपचार अधिनियम 1983 (1983 का 31)
की धारा 5 द्वारा प्रदत्त मतियों का प्रयोग करते हुए केंद्रीय सरकार
र्थि० १० के० श्रीवास्तव जनूराम अधिकारी अम वि० एच० को, 19-1-1984
में अगले आदेश जारी हाने तक, उपचार संकाय, अमृष्ट के रूप में सभी
दस्तावेजों पर हस्ताक्षर करने के लिए प्राधिकृत करती है।

[संख्या टी०-11017/1/83-इमीग्रेशन-II]

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour)

New Delhi, the 18th January, 1984

S.O. 353.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorise Shri A. K. Srivastava, Section Officer of the Deptt. of Labour to sign all relevant documents as Protector of Emigrants, Bombay with effect from 19-1-1984 till further orders.

[No. T-11017/1/83-EMIG-II]

का० आ० 354.—उपचार अधिनियम 1983 (1983 का 31)
की धारा 5 द्वारा प्रदत्त मतियों का प्रयोग करते हुए, केन्द्रीय सरकार
र्थि० १० एच० एम० नाथर महायक को, 20-1-84 से वो० के०
वेनुगोपलन के छुट्टी से वापस आने तक, उपचार संस्था, कोचीम के
सभी कार्यों को करने के लिए प्राधिकृत करती है।

[संख्या टी०-11017/1/83-इमीग्रेशन-II]

अर० के० वास, अवर सचिव

S.O. 354.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorise Shri K. N. S. Nair, Asstt. to perform all the functions of the Protector of Emigrants, Cochin with effect from 20-1-1984 until Shri V. K. Venugopal returns from leave.

[No. T-11017/1/83-EMIG-II]

R. K. DAS, Under Secy.

आदेश

नई दिल्ली, 19 नवम्बर, 1983

का० आ० 355.—केन्द्रीय सरकार की यह राय है कि इससे उपचार
अनुसूची में विनिर्दिष्ट विधय के आरे में खादी और ग्रामोद्योग ग्रामोद्योग
के प्रबंधतंत्र से संबंधित एक ग्रोवर्गिक विवाद नियोजकों और उनके कर्म-
कारों के बीच विप्राप्त है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित
करना बांधनीय समझती है;

अब, अब केन्द्रीय सरकार, ग्रोवर्गिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 7क और धारा 10 की उपचारा (1) के
संहृं (ब) द्वारा प्रदत्त मतियों का प्रयोग करते हुए, एक ग्रोवर्गिक
प्रधिकरण गठित करती है जिसके पीठासीन प्रधिकारी श्री महेन्द्र शुभण
शर्मा होंगे, जिसका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त
प्रधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“स्था खादी और ग्रामोद्योग ग्रामोद्योग का अपने जयपुर स्थित
स्थापन के संबंध में 19 महिला कर्मकारों को (जिसके नाम नीचे
के उपांच भूमि ग्रामोद्योग करने से इकार करने और
31 मई, 1981 से उनकी मेवारू समाप्त करने की कार्रवाई न्यायोद्योषित
है? यदि नहीं तो कर्मकार किस अनुतोष के हक्कादार हैं?

उपांच

- | | | |
|-----------------------|-------|----------------|
| 1. श्रीमती सुशर चूमनर | पत्नी | श्री ईस्माईल |
| 2. श्रीमती गोपीमेनी | पत्नी | श्री नारायणराम |

3. श्रीमती बुल्ली सरसेन	पत्नी	श्री अलावद्धीन
4. श्रीमती जम्मा बनी	पत्नी	श्री अमराल राम
5. श्रीमती हसीना चुनगर	पत्नी	श्री ब्रह्मन अली
6. श्रीमती मेहराज चुनगर	पत्नी	श्री बोहम्मद हजीफ
7. श्रीमती नाजमा चुनगर	पत्नी	श्री अब्दुल समद
8. श्रीमती जमीला चुनगर	पत्नी	श्री बोहम्मद हृषीम
9. श्रीमती मरियम चुनगर	पत्नी	श्री दिशब
10. श्रीमती सुगरा चुनगर	पत्नी	श्री अब्दुल हजीफ
11. श्रीमती अनवरी दाममान	पत्नी	श्री अब्दत भर्सी
		बीफानेर
12. श्रीमती देवी सुनारी	पत्नी	श्री मनधाराम
13. श्रीमती भनवारा दाममान	पत्नी	श्री अकबर
14. श्रीमती बाबूजी दाममान	पत्नी	श्री कादरबेश
15. श्रीमती हजरा चुगर	पत्नी	श्री नूर बोहम्मद
16. श्रीमती मनीना		
17. श्रीमती कनीजा		
18. श्रीमती सूरज		
19. श्रीमती गोमती बाई		

[सं. एस-42011 (7)/83-डी-2 (बी)]

ORDER

New Delhi, the 19th November, 1983

S.O. 355.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Khadi and Village Industries Commission and their workmen in respect of the matter specified in the schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the management of Khadi and Village Industries Commission in relation to their establishment at Jaipur is justified in refusing to regularise the 19 female workmen (as per names of workmen given in the Annexure below) and in terminating their services with effect from 31st May, 1981 instead? If not, to what relief are the workmen entitled?"

ANNEXURE

1. Smt. Sugra Chungar W/o Shri Ismail
2. Smt. Ghapi Bheni W/or Shri Narainram
3. Smt. Munni Saxen W/o Shri Salaudin
4. Smt. Champa Bani W/o Shri Bhagwanram
5. Smt. Hasina Chungar W/o Shri Hassan Ali
6. Smt. Mehraj Chungar W/o Shri Mohd. Hanif
7. Smt. Nazma Chungar W/o Shri Abdul Samad
8. Smt. Zmila Chungar W/o Shri Mohd. Hussain
9. Smt. Marium Chungar W/o Shri Ishav
10. Smt. Sugra Chungar W/o Shri Abdul Hanif
11. Smt. Anvari Damaman W/o Shri Akhat Ali Bikaper

12. Smt. Devi Suneri W/o Shri Mangharam
13. Smt. Bhanwari Damaman W/o Shri Akbar
14. Smt. Babuji Damaman W/o Shri Kadarbux
15. Smt. Hazra Chungar W/o Shri Noor Mohd.
16. Smt. Sakina
17. Smt. Kanja
18. Smt. Suraj
19. Smt. Gomti Bai.

[No. L-42011(7)/83-D. II(B)]

आदेश

नई दिल्ली, 9 दिसम्बर, 1983

का० आ० 356.—केन्द्रीय सरकार की राय है कि इससे उपर्युक्त अनुसूची में विनिर्दिष्ट विवाद के बारे में उत्तम सुचिय इंजीनियर, परिषद ऐनवे इंजीनियरिंग कार्यालय, ऐनवे कालोनी, बाकधार अहमदाबाद, के प्रबन्धकाल से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विचारात है,

और केन्द्रीय सरकार उक्त विवाद को स्थायनियन्त्रित के लिए निर्देशित करना चाहजीय समझती है;

आत : केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की आरा 7क और धारा 10 की उपचारा (i) के अंडे (३) द्वारा ब्रदर्ल शक्तियों का प्रयोग करने हुए, एक औद्योगिक अधिकारण गठित करती जिसके हैं पीटाम्बरी अधिकारी श्री बा० एस० बरोट होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद यो उक्त अधिकारण को स्थाय नियन्त्रित के लिए निर्देशित करती है।

अनुसूची

"या उत्तम सुचिय इंजीनियरिंग कार्यालय, साबरगमती, अहमदाबाद द्वारा श्री हरिमोहन शर्मा, मिस्ट्री के द्वारा अपने पत्र तारीख 27-8-80 और 12-9-81 के दण्ड अधिरोपित करने की कार्यवाही स्थायोचित है? यदि नहीं, तो उक्त कर्मकार किस अनुपोषण का हकदार है?"

[सं. एस 41011/38/83-डी-2 (बी)]

ORDER

New Delhi, the 9th December, 1983

S.O. 356.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Deputy Chief Engineer Western Railway Engineering Workshop, Railway Colony Post Ahmedabad and their workmen in respect of the matter specified in the schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and Clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the Deputy Chief Engineer, Rail Engineering Workshop, Sabarmati, Ahmedabad by imposing punishment on Shri Harimohan Sharma Mistry vide their letter dated 27-8-80 and 12-9-81 is justified? If not, to what relief the workman is entitled?"

[No. L-41011/38/83-D.II (B)]

आदेश

का० आ० 357—केन्द्रीय सरकार की राय है कि इसमें उपायदू अनुसूची में विनियोग के बारे में जिस रेलवे प्रबंधक परिवर्तन रेलवे, गोदावरी के प्रबंधतावं से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है।

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहती है,

अनु : केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (4) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, एक औद्योगिक अधिकरण गठित करनी है जिसके पीठासीन अधिकारी श्री जी० एम० बोट होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण द्वारा न्यायनिर्णयन के लिए निर्देशित करनी है।

“कर्मकारों द्वारा परिवर्तन रेलवे के अन्वयन मेहमानों को शनिवार, भन्ना मर्शप करने का मार्ग न्यायोचित है? यदि हाँ, तो उक्त कर्मकार किस अनुशूलि के हकदार हैं?

[मं० ए८० 41011 / 16 / 83-ड० 2 (बी)]

ORDER

S.O. 357.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of District Railway Manager, Western Railway, Rajkot, and their workmen in respect of the matter specified in the schedule hereto annexed :

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the demand of the workmen for payment of shunting allowance to Bariwallas at Mohsana in Western Railway is justified? If so, to what relief the workmen are entitled?”

[No. L-41011/16/83-D.II(B)]

आदेश

का० आ० 358—केन्द्रीय सरकार की राय है कि इससे उपायदू अनुसूची में विनियोग के बारे में परिवर्तन रेलवे, बस्टर्डी और डिवीजनल रेलवे मैनेजर, परिवर्तन, कोटा के प्रबंधतावं से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहती है;

अनु : केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, एक औद्योगिक अधिकरण गठित करनी है जिसके पीठासीन अधिकारी श्री एम० श्रीनिवास गव द्वारा होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“यह परिवर्तन रेलवे, कोटा द्वारा अपने डिवीजनल मुपरिटेंडेंट (नया डिवीजनल रेलवे, प्रबंधक) कोटा डिवीजन के सम्बंध में डिवीजनल मुपरिटेंडेंट डॉ० ई० कोटा के अधीन श्री किशोरी लाल मक्सेना, मिसेमा

प्रोजेक्टर आपरेटर का बेतन 12-6-1958 से 60-130 रुपये (अनुसूची) में बेतनगान में शरा याद में प्रगत नाम से बेतन आद्योग की मिकारिश्टों को भनता में 110-180 रुपये, और 260-400 रुपये के सम्बोधित बेतनगान में निर्धारित करने की कार्यवाही न्यायोचित है? यदि नहीं, तो श्री तिष्ठीरी लाल मक्सेना किस अनुशूलि का हकदार है?

[ए८० 41011 (35) / 83-ड० 2 (बी)]

ORDER

S.O. 358.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Western Railway Bombay and Divisional Railway Manager Western Railway Kota and their workmen in respect of the matter specified in the schedule hereto annexed :

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mubendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the Western Railway, Kota, in relation to Divisional Superintendent (New Divisional Railway Manager) Western Railway, Kota Divisional in fixing the pay of Shri Kishori Lal Saxena, Cinema Projector Operator under DS. TE Kota in the scale of Rs. 60-130 (P) with effect from 12-6-58 and in subsequently revised scales of Rs. 110-180 and 260-400 vis-a-vis the recommendation of the Second and Third Pay Commission is justified? If not, to what relief is Shri Kishori Lal Saxena entitled?”

[No. L-41011/35/83-D.II(B)]

आदेश

नई दिल्ली, 19 दिसम्बर, 1983

का० आ० 359—केन्द्रीय सरकार की राय है कि इससे उपायदू अनुसूची में विनियोग के बारे में भारत सरकार टकमाल, हैदराबाद और सेक्युरिटी प्रिटिंग प्रैस हैदराबाद के प्रबंधतावं से सम्बद्ध एक औद्योगिक विवाद करने के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहती है;

अनु : केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, एक औद्योगिक अधिकरण गठित करनी है जिसके पीठासीन अधिकारी श्री एम० श्रीनिवास गव द्वारा होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

“यह भारत सरकार टकमाल, हैदराबाद और सेक्युरिटी प्रिटिंग प्रैस, हैदराबाद के प्रबंधतावं द्वारा 18 कर्मकारों को, जिनके नाम नीचे अनुसूची में दिए गए हैं, सेक्युरिटी प्रिटिंग प्रैस से भारत सरकार टकमाल में आनांदतरित करने की मानही न्यायोजित है? यदि नहीं, तो कर्मकार किस अनुशूलि के हकदार हैं?

अनुशूलि

का० मं० कर्मकारों के नाम

1. श्री जी० अभिमन्याम
2. श्री जे० रमेश
3. श्री एम० विटरराव

क्रम सं रामकर्ण के नाम

1. श्री एम० के बाग
2. मो० जहौर
3. मो० माटा
4. श्री एम० दलानथ
5. मो० विजयेन्द्र
6. श्री ए० जगनाथम
7. श्री ए० दयानन्द
8. श्री ए० भद्रानन्द
9. श्री ए० कुपरामा
10. श्री अदीर अन्नी
11. श्री ए० अहमद
12. श्री ए० विजय नमार
13. श्री ए० आर० मनेग
14. श्री ए० वेंकटारामनम
15. श्री अनन्द सिंह

[मंज्ञा एन 16011/1/83-डी. II (ब०)]

टॉक ब्र० मीमांसन, इंडिया अधिकारी

ORDER

New Delhi, the 19th December, 1983

S.O. 359.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of India Government Mint, Hyderabad and Security Printing Press, Hyderabad and their workmen in respect of the matter specified in the schedule hereto annexed :

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be Presiding Officer, with headquarters at Ramkote, Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the management of India Government Mint, Hyderabad and Security Printing Press Hyderabad are justified in refusing to transfer the 18 workmen, whose names are mentioned in the Annexure below from the Security Printing Press to the India Government Mint ? If not, to what relief are the workmen entitled ?

ANNEXURE

S. No. Name of the workman

1. Shri Abhimanyam
2. Shri J. Ramesh
3. Shri M. Vittal Rao
4. Shri M. K. Baig
5. Shri Md. Zahoor
6. Shri Md. Saifur
7. Shri N. Dattatry
8. Shri Md. Vazirulhaq
9. Shri P. Jaganatham
10. Shri I. Dayanand
11. Shri P. Sadanand
12. Shri Qulderali
13. Shri Abid Ali
14. Shri Habib Ahmed
15. Shri M. Vijayakumar
16. Shri S. R. Mallesh
17. Shri B. Venkatarathnam
18. Shri Attar Singh

[No. L-16011/1/83-D.II(B)]

T. B. SITARAMAN, Desk Officer

New Delhi, the 13th January, 1984

S.O. 360.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Divisional Engineer (T), Indore (MP) and their workmen, which was received by the Central Government on the 6th January, 1984.

BEFORE JUSTICE SHRI K. K. DUBE, (P.R.I.D.) PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/IC(R)(35) of 1982

Employers in relation to the Management of Divisional Engineer (T), Indore (MP),

AND

Their Workmen.

PRESENT :

Shri B. G. Nema, Advocate, for the Department.

Shri Jain—for the workman.

Telegraph

INDUSTRY :

M.P.

STATE :

M.P.

Date of decision :

30-12-1983.

AWARD

The Central Government in exercise of its powers under section 10 of the Industrial Disputes Act, 1947 vide its notification No. I-40012(5)/81-D. II(B), dated 12-5-1982 referred the dispute for adjudication between the management and its workman relating to treatment of suspension period of B. L. Porwal. The dispute is in the following terms :—

"Whether the action of the Divisional Engineer, Telegraphs Ujjain to treat the suspension period from 4-7-1974 to 13-9-74 of Shri B. L. Porwal, Tel. Operator, Ratlam, as leave due and admissible is justified ? If not, to what relief is the workman entitled ?"

The facts necessary for appreciating the controversy are these B. L. Porwal was in the employment of the Posts and Telegraphs Department, Indore. On 4-7-1974, the then Divisional Engineer, Telegraphs, Indore placed him under suspension. He was reinstated with effect from 13-9-1974 revoking the said order of suspension. No. charge-sheet was issued to the delinquent officer. The competent authority then sought to regularise the period of absence from duty of Porwal. The competent authority passed an order in exercise of its powers under rule 54(B) of the Fundamental Rules by treating the period of absence from duty during suspension as on leave which was due and admissible. Porwal then preferred an appeal to Director, Telecommunication, Bhopal against the said decision but without any success. His leave due was then debited from his leave account.

The Union's case is that since no chargesheet was given to Porwal, the suspension was illegal and unjustified. There was no departmental inquiry against the delinquent officer. The management had then to revoke the order of suspension. The treating of absence from duty for the suspension period as on leave due and admissible would seriously affect Porwal adversely and entail him financial loss.

The Management contended that he was involved in some serious laches. The competent authority was fully satisfied about the necessity of suspending the workman, but it was felt that it was going to take some time before the departmental inquiry could be started against him and therefore they had revoked the suspension order. Moreover, they were short of hands. The competent authority,

therefore, in exercise of its powers under rule 54-B had passed the necessary order. F.R.54-B runs as under :—

"54-B(1) When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement (including premature retirement) while under 'suspension', the authority competent to order reinstatement shall consider and make a specific order :—

- (a) regarding the pay and allowances to be paid to the Govt. servant for the period of suspension ending with reinstatement of the date of his retirement including premature retirement, as the case may be, and.
 - (b) whether or not the said period shall be treated as a period spent on duty."
- * * *

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Govt. servant shall, subject to the provisions of sub-rule (8) be paid the full pay and allowances to which he would have been entitled, had he not been suspended.

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Govt. servant, it may, after giving him an opportunity to make his representation within 60 days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Govt. servant shall be paid for the period of such delay "only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes."

* * * *

The competent authority had merely to satisfy itself about its justifiability before passing the order of suspension under rule 54-B(b). During the pendency of the case a memo had also been received dated 3-10-1983 by this Tribunal from the Divisional Engineer, Telegraphs, Ratlam Division, Ratlam stating that eventually the disciplinary action was instituted against Porwal by letter dated 30-5-1983 under rule 16 of C.C.S.(C.C.A) Rules, 1965. Since the officer has failed to submit his defence against the charges framed against him, the enquiry proceeded ex parte and now he has been intimated that he was found guilty of negligence of his duty during duty hours. The disciplinary authority has ordered to stop the next increment for two years without affecting his future increments. The disciplinary authority further decided and passed orders that the orders already passed earlier regarding the treatment of the suspension period as leave due and admissible would be revised and the suspension period would remain intact. Accordingly action was taken to revise the order relating to suspension period from 4-7-1974 to 13-9-1974.

It may be seen that under F.R. 54-B(4), it was permissible to revise the order passed under sub-rule (i) after the conclusion of the enquiry against the Government servant. The action being taken one under rule 54-B, no exception could be taken and the only question that may need some consideration in this case would be whether the suspension was at all justified.

The Union has merely laid stress on the ground that since no charges were framed against him, the suspension was void.

In my opinion rule 54 clearly envisages such a situation where for some reason or the other, the suspension order

has to be revoked and the competent authority is to be given power to pass an order indicating as to how the absence from duty would be treated. Moreover the competent authority is also required to go into the question whether the suspension was justified. If it was not justified, the said rule provides how the suspension period is to be treated. But as in this case, if the authority is satisfied that the suspension was justified, the discretion given to the authority was to treat him on leave as due and admissible.

As already stated earlier, the only question that needs consideration in this case is whether the authorities were justified or not in suspending Porwal. There is enough material on record to come to a conclusion that the authorities were justified in suspending him. A complaint had been received from A. H. Siddiqui, Divisional Signal and Telecom. Engineer, Ratlam on 11-6-1974 addressed to Shri R. D. Gupta D.E.T. Indore stating that on 10-6-1974, a call was booked at 00 hrs. by Chief Controller, Ratlam from his P&T No. 15 to Station Master, Barwa to obtain urgent information regarding the movement of trains, which was not available due to Ratlam-Khandwa control being faulty. There was no response till 2.15 hrs. from the exchange when another call was booked. This complaint was ordered to be instigated by Shri R. L. Verma, ESP (Traffic) who submitted his report on 12-6-1974. It was found that Shri Porwal who was on duty on 10-6-1974 from 00 hours to 7.10 and was responsible for attending to the trunk-calls, had only booked the calls and kept them pending on the record position. He did not try the call booked from telephone No. 15. It was also found by the ESP (Traffic) that on the date in question, Shri Porwal did not try and call after 01.15 hrs thereby neglecting his normal duties.

I do not wish to dilate much on this as it might prejudice the workman one way or the other. Suffice it to say that the telephone authorities had made proper inquiries and were satisfied regarding the negligence of Porwal and they had, therefore, suspended him. However, some time had to be taken before disciplinary action could be started against the delinquent employee. Director of Telegraphs was the competent authority for taking action. Moreover, there was shortage of staff and the work was suffering. So, it was suggested that pending finalization of action to be taken against the workman, he may be reinstated. That is how Porwal had been reinstated after his suspension.

I am not left in any doubt as regards the justification for suspending Porwal in the first instance. However, I may observe that the departmental inquiry has to be started within a reasonable period of time after the misconduct is detected. In the instant case, for some unknown reasons, the authorities had slept for about nine years. This is most prejudicial to the official concerned and serves no purpose. It may well be that in these nine years, the delinquent official had improved. The disciplinary action to serve any useful purpose must be taken promptly so that the department is relieved of the undesirable officers as early as possible. In fairness to the workman concerned he must be informed and dealt with as promptly as possible. These questions are not referred in this case. I would, therefore, close this case by making the following award.

ORDER :

1. The Department was fully justified in taking action under F.R. 54-B by making an order as to how the suspension period was to be treated. The competent authority in the instant case, had appropriately passed the order in his discretion treating the suspension period as one spent on leave due and admissible. This order has to be revised after decision in the departmental inquiry is taken under the above quoted rule itself. The Department has informed that they are taking steps to revise the order. I make this award accordingly.

2. There shall be no order as to costs.

JUSTICE K. K. DUBE, Presiding Officer.

[No. L-40012(5)/81-D II(B)]

New Delhi, the 20th January, 1984

S.O. 361.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of Beas Sutlej Link Project and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 55 of 1978/96 of 1973

PARTIES :

Employers in relation to the management of the Beas Sutlej Link Project.

AND

Vishnu Ram, their Workman.

APPEARANCES :

For the Employer—S/Shri M. K. Bohra and R. L. Dogra
For the Workman—Shri M. S. Togari.

Beas Sutlej Link Project (H.P.)

AWARD

Dated the 4th of January, 1984

The Central Government Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act, vide their Order No. I-42012(56)/77-D.II(B) dated the 15th of June, 1978 read with S.O. No. S-11025(2)/83 dated the 8th of June, 1983 referred the following Industrial Disputes to this Tribunal for adjudication.

"Whether the action of the management of the Beas Sutlej Link Project in keeping Shri Vishnu Ram, Fitter (Token No. 932/D) under forced un-employment and thereby not paying him wages for the period from the 16th August, 1975 to the 10th October, 1976, is justified, if not, to what relief is the said workman entitled ?"

2. The petitioner workman joined the Respondent's Project as a Junior Fitter on 18-8-1970 and was promoted as Fitter w.e.f. 1-10-1972. He proceeded on Sick Leave for 20 days w.e.f. 1-2-1975. It was propounded on his behalf that he could not recoup his health and had to remain under treatment upto 16-9-1975 under the care of the Authorised Medical Attendant of the Project, meanwhile he had also applied for extension of leave. However, when he reported for duty on 16-8-1975, he was not allowed to do so, rather he was apprised of the termination of his services under an order dated 12-8-1975 on the assumption of having resigned voluntarily.

3. He, therefore, moved a service appeal which was allowed by the concerned Supdt. Engg. on 7-9-1976. Setting aside the order of termination, the Supdt. Engg. directed that the intervening period of absence should be treated as leave of the kind due.

4. The petitioner workman agitated against the closing part of the order of the Supdt. Engg. because according to him, his termination was void ab. initio and, as such, he was entitled for the back-wages also. He, therefore, raised an Industrial dispute which could not be settled amicably in spite of the intervention of the A.I.O.(C) and, hence, the reference.

5. Resisting the petitioner's claim, the management averred that his service appeal was allowed by the Supdt. Engg. on purely compassionate grounds with the understanding that no back wages would be claimed and, thus, he was not entitled for any relief. The management also disputed the validity of his explanation for absence resulting in the

termination even though the same was set aside in appeal. It was further pleaded that after having joined his duty without any pre-conditions regarding the back wages the petitioner was not entitled for seeking a reference of his dispute to the Tribunal.

6. Mr. Ld. predecessor took the parties to trial on the following issues arising from their pleadings.

(i) Whether the reference is bad for the reason stated in preliminary Para No. 1 of the written statement ?

(ii) As in the Order of reference ?

(iii) Relief ?

7. In support of their respective versions the parties adduced verbal as well as documentary evidence which I have carefully perused and heard them at length. In all fairness to him, the Ld. representatives of the Management did not stretch himself seriously to question the views of the reference. In other words, it was conceded that simply by joining duty without raising a pre-claim of the back-wages, the petitioner did not incur any disability in raising an industrial dispute. All the same it was urged that because the order of the Appellate Authority dated 7-9-1976 was a self-contained one and based on the principles of Equity, good conscience and natural justice, therefore, it could not be trifled away simply because it did not grant any monetary relief to the petitioner for the period during which he did not do any material service for the Employer.

8. In spite of seeming attraction, the submission failed to carry conviction with me. The pertinent point is that the Management's charge of unauthorised absence from duty was not sustained by the Appellate Authority. In the written statement a specific plea was raised by the management that the termination Order was not aside by the concerned Supdt. Engg. i.e. the Appellate Authority only on the ground of compassion and that was how that no relief of back-wages was given to the workman. But significantly enough, this plea was not elaborated before me during the course of hearing. As a matter of fact, it does not find support even from the relevant order of the Appellate Authority. Both the parties have filed attested copies of the same and for the better appreciation of the point in issue it would be in the fitness of things to reproduce its operative part (Copy Ext. WW-1/5 para No. 4) which reads as below :

"On hearing the appeal and after going through the record I do not hold reasonable the argument that the workman was not allowed to join duty because of retrenchment of the category of the Fitters. The person concerned should not suffer on this account when he was not to be retrenched. He should have been allowed to join duty and then retrenched. Therefore, I accept the appeal and allow the workman to join the duty. His period of absence be treated as leave of kind due."

9. In my considered opinion the aforesaid observation of the Appellate Authority not only demolishes the Management's fortress but also exposes a crude attempt at shifting of stands. Rather, it supports the proposition that since the absence of the workman was for a just and lawful reason, therefore, he could not be penalised in any manner, inclusive of any intrusion in his accumulated leave. Otherwise too, the scheme of adjusting his due leave for the period of the forced and unlawful retrenchment from 16-8-1975 to 10-10-1976 would be in the nature of condoning an illegal act of the Management.

10. I accordingly, sustain the claim of the petitioner workman and on returning both the issues in his favour, pass any Award against the Management, with a direction to them to forthwith pay him his back wages for the aforesaid period.

CHANDIGARH.

Dated : 4-1-1983

I. P. VASISHTH, Presiding Officer
[No. I-42012(56)/77-D.II(B)]

T. B. SITARAMAN, Desk Officer

ग्राहण

दर्शक, 14 दिसंबर, 1983

का० आ० 362.—केन्द्रीय सरकार की राय है कि इसमें उपावड़ अनुमूर्ति में विनियोगित विषय के बारे में हारजी प्रेमजी स्टोन क्वारी के प्रबंधनमें से संदर्भ एक आद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है।

ओर केन्द्रीय सरकार, उक्त विवाद को न्यायनिर्णयन के लिए नियोजित करता बांधनीय समस्त है,

अब, केन्द्रीय सरकार आद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (श) द्वारा प्रदत्त अधिनियम का प्रयोग करने के दृष्टि एक आद्योगिक अधिकरण गठित करनी है जिसके पाठ्यानीन अधिकारी श्री जी गी वर्मन होंगे जिनका मृत्युलय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए नियोजित करनी है।

अनुमूर्ति

“क्वा मैसमं हारजी प्रेमजी स्टोन क्वारी, खान भालिकों के प्रबंधनमें की संबंधी श्री भुलाभाई चिंम्बाभाई वासवा, वीरसह भाई आमवा और प्रशाप भाई वासवा कर्मकारों की नेवाप्रो का 1-7-1982 से समाप्त करने की कार्यकारी त्री वैष्ण और न्यायानुसित है” तरि नहीं, तो कर्मकार किम अनताप के दृष्टिकोण है?

[मा० अ०-29012/25/83-टी-3 (बी)]

ORDER

New Delhi, the 14th December, 1983

S.O. 362.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Hariji Premji Stone Quarry and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot, shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of M/s. Hariji Premji Stone Quarry Mine owners in terminating the services of S/Shri Bhulabhai Chimbabhai Vasva, Virsinghbhai Vasava and Pratapbhai Vasva, workmen with effect from 1st July, 1982 is legal and justified? If not, to what relief the workmen are entitled to?”

[No. 1-29012/25/83-D-II(A)]

ग्राहण

दर्शक, 28 दिसंबर, 1983

का० आ० 363.—केन्द्रीय सरकार की राय है कि इसमें उपावड़ अनुमूर्ति में विनियोगित विषय के बारे में गत्रन्थात स्टेट मार्क्स एड मिनरल्स अपिलेट के प्रबंधनमें से संदर्भ एक आद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है,

ओर केन्द्रीय सरकार, उक्त विवाद का न्याय-निर्णयन के लिए नियोजित करता बांधनीय समस्त है,

प्रत. केन्द्रीय सरकार आद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (श) द्वारा प्रदत्त अधिनियम का प्रयोग करने के दृष्टि एक आद्योगिक अधिकरण गठित करती है जिसके पाठ्यानीन अधिकारी श्री मोहन भूषण गर्मा होंगे, जिनका

मृत्युलय जयपुर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए नियोजित करनी है।

अनुमूर्ति

“क्वा गोपनीय स्टेट मार्क्स एड मिनरल्स अपिलेट, उदयपुर के प्रबंधनमें की श्री मवारक खान मेमिलिक आटो इन्डस्ट्रीजियन को अपनी खामार्कोटग खानों में नियमित आधार पर नियुक्ति में इतार करने की कार्यवाही न्यायानुचित है? यदि नहीं तो कर्मकार किस अनुत्तरांक का दृष्टिकोण है।

[मा० अ०-29012/1-83-टी-3 (बी)]

प्रा० १० के० वर्मा ईस्ट अधिकारी

ORDER

New Delhi, the 28th December, 1983

S.O. 363.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Rajasthan State Mines & Minerals Ltd., and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the Management of Rajasthan State Mines and Minerals Ltd., Udaipur in denying appointment to Shri Mubarak Khan, Casual Auto Electrician in their Jhamarkotra Mines on regular basis is justified? If not, to what relief the workman is entitled”.

[No. 1-29012/1/83-D III(B)]

N. K. VERMA, Desk Officer

New Delhi, the 16th January, 1984

S.O. 364.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Labour Court, Nagpur, in the industrial dispute between the employers in relation to the Management of Union Bank of India and their workmen, which was received by the Central Government on the 4th January, 1984.

Ex No. 35

BEFORE SHRI G. H. KADAM, B.Sc., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT LABOUR COURT AT NAGPUR

Reference (L.D. A.) C.G. No 1 of 1982

Adjudication

BETWEEN

The Manager, Union Bank of India,
Gandhibagh, Nagpur.

Party No. 1

AND

The General Secretary, Union Bank of
India Staff Association, C/o Arun
Bhavan, Temple Bazar Road,
Sitabuldi, Nagpur-440012.

Party No. 2

In the matter of adjudication of the dispute under Section 7-A and 10(1)(d) of the Industrial Disputes Act, 1947.

APPEARANCES :

(1) Shri R. Shrinivasan, (2) Shri Mehta, (3) Shri Raijku...—Authorised Representatives for the Party No. 1

(4) Shri S. P. Choudhuri, (5) Shri S. Sahasbuddhe, (6) Shri D. G. Satokar.—Authorised Representatives for the Party No. 2.

AWARD

(Delivered on this 23rd day of December, 1983)

The Central Government by its Under Secretary, Government of India/Bharat Sarkar, Ministry of Labour/Shram Mantralaya Order No. I-12012/54/79-D.IIA, dated 14th February 1980, has, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), refers the following dispute for adjudication of the Central Government, Labour Court at Nagpur, constituted under Section 7-A of the said Act—

‘Whether the action of the management of Union Bank of India, Gandhibagh Branch, Nagpur in withdrawing the duties of Daftary from Shri S. K. Awasthi from 27-9-1976 and reverting him to the post of a Peon is justified? If not, to what relief the concerned workman is entitled?’

2. It appears from the record of this Reference that the employee—Shri S. K. Awasthi Peon (henceforth referred to as the Party No. 2) in the employment of the Union Bank of India, Gandhibagh Branch, Nagpur, (henceforth referred to as the Party No. 1) was performing the duties of the Daftary. By an order dated 27-9-1976, the management of the Bank withdrew the said duties of the Daftary and consequently the Special Allowance, which was payable to the Party No. 2 on account of the additional duties, which he was performing was also discontinued. Thereafter, the matter went in the conciliation before the Assistant Labour Commissioner (Central), Nagpur, which ended in the failure and hence the reference reproduced in paragraph 1 has been made to this court for adjudication.

3. Both the parties were noticed and in response to the same, the Party No. 2 has filed the statement of claim at Ex.-6. In short, it is the contention of the Party No. 2 that he was appointed as a Peon in the Gandhibagh Branch of the Union Bank of India at Nagpur in the year 1960. By an order dated 25-2-1974, the Party No. 2 was assigned the job of Bill Collector. Subsequently, by an order dated 18th April 1974 the Party No. 2 was transferred from the main Branch Office to the Gokulpeth Branch with the designation as Bills Collector-cum-Daftary. By a letter dated 23rd September 1975, the Party No. 1 confirmed the designation given to the Party No. 2. By an order dated 6th October 1975, the Party No. 2 was transferred back to the main branch of the Party No. 1. There was no complaint whatsoever against the Party No. 2 about his behaviour or work etc. When he was working in the Gokulpeth Branch of the Party No. 1 Bank, Shri M. K. Silote, the Peon, working in the Main Branch of the Party No. 1 Bank and who is junior to the Party No. 2 and he was appointed as a Daftary at Nagpur Main Branch. At that time, the Party No. 2 was working in the Gokulpeth Branch of the Party No. 1 Bank. The Party No. 1 was entitled to be posted as Head Peon in the year 1975 in the main branch of the Party No. 1 Bank. The transfer of the Party No. 2 from the Main Branch to the Gokulpeth Branch of the Party No. 1 was effected to humiliate him. The management made false allegations against the Party No. 2 about his work and attendance. A letter was issued to the Party No. 2 by the Central Office of the Party No. 1 Bank on 6-4-1976. It was issued with an ulterior motive and the action was malafide. The special allowance of Rs. 20 was withdrawn by an order dated 27-9-1976. This order dated 27th September 1976 is the subject-matter of this reference. The Party No. 2 made representations on 8th May 1976 and also on 18th July 1977, but to no effect, and confirmed the reversion vide letter No. DP/IR/9142/77, dated 17th December 1977. Thereafter, the industrial dispute was lodged before the Assistant Labour Commissioner (Central), Nagpur vide the letter of the Union dated 27th December 1977. The Bank management declined to settle the matter amicably and the failure report was submitted on 2nd March 1979. The Party No. 2 was issued with the Peon's Badge No. 1, indicating his seniority at the time of his appointment, as per

letter dated 20th December 1960. The action on the part of the management in reverting the Party No. 2 is not bonafide and it is in contravention of the provisions of the Shastri Awards and Bipartite Settlements which govern the Service Conditions of the workmen. The management of the Party No. 1 Branch had adopted vindictive attitude towards the members of the union and the reversion of the Party No. 2 is one of such actions on the part of the Bank Management.

4. Even subsequently, during the pendency of the dispute, the Bank Management superseded the seniority of the Party No. 2 and posted Shri R. B. Sondha as a Head Peon at the Main Branch of the Party No. 1 Bank at Nagpur. This action on the part of the Party No. 1 Bank was protested by the Union by letter dated 17th December 1981. It is prayed by the Party No. 2 that he be assigned permanently the job of Daftary as he has been wrongfully discontinued to work as Daftary from 28-9-1976 and he also be paid full back wages. It is further declared that the supersession by the Bank Authorities of the seniority of the Party No. 2 for the Post of the Head Peon is wrongful and a direction be given to the Bank that the Party No. 2 be posted as the Head Peon effective from the date on which he was superseded by posting of Shri R. B. Sondha.

5. The written statement of the Party No. 1 is at Ex-14. It is submitted inter alia that the contentions raised in the statement of claim are incorrect. According to the Party No. 1, Shri Awasthi was appointed as a Peon in the Nagpur Branch on 1-1-1961. As per his seniority, he was entrusted with the additional duties of Bill Collector, as per letter dated 25-2-1974 and as per letter dated 23-9-1975 Shri Awasthi was required to perform the duties of the Daftary for which he was entitled to the Special Allowance of Rs. 20 per month, as long as he was required to perform the functions involving the duties of the Daftary. The Branch Manager informed the Assistant General Manager that Shri Awasthi was incompetent and the workload allotted to him was kept pending. The Branch Manager also informed that the filing work and stitching of vouchers was not done properly and the same been kept pending. This fact was revealed during the audit of the Branch in the month of January 1976. By letter No. 6-4-1976, Shri Awasthi was given a letter to show improvement in his work and failing which the duties of the Daftary would be withdrawn from him. This memo dated 6-4-1976 had no effect on Shri Awasthi (Party No. 2) and he showed no improvement and, therefore, a letter dated 30-7-1976 was issued to him to show-cause why an allowance of Rs. 20/- which is being paid to him should not be withdrawn as he was not performing his duties satisfactorily. Shri Awasthi submitted his reply to the show-cause notice but the same was not found satisfactory. According to Shri Awasthi, he was after disturbed with the miscellaneous duties of the peon. In fact, Shri Awasthi is required to perform his usual duties of Peon while carrying out the duties of Daftary. Shri Awasthi submitted that he was not keeping good health and he cannot look after the miscellaneous work effectively. By a letter dated 16-8-1976, Shri Awasthi was informed that even according to him, his health does not permit him to work as Daftary. By letter dated 27th September, 1976 Shri Awasthi was informed that the duties of Daftary, which were being performed by him, stands withdrawn and consequently he would cease to draw the Special Allowance of Rs. 20/- per month for doing the duties of Daftary. Shri Awasthi was further informed that he shall continue to work as a Peon only at Nagpur at the Main Branch of the Party No. 1 Branch. Thus it is absolutely wrong contention of the Party No. 2 that there was no complaint so far as his work was concerned. It is also the wrong contention that the seniority claim of the Party No. 2 was superseded. There is no substance whatsoever in the contention of the party No. 2 that the action taken against him is in any way malafide as such.

6. The conditions of service of the Party No. 2 are governed by the various Awards and Settlements arrived at between the Bank and its workmen. These the service conditions can be found in Bipartite Settlement and the Promotion Agreement arrived at between the parties. The action of the management is fully consistent with the Rules and the provisions contained in the Bipartite Settlement. The letter dated 23-9-1975 given to Shri Awasthi clearly states

that he would be required to do the duty as would be assigned to him from time to time by the Branch Manager and as long as he was required to perform the functions mentioned in the letter, he would be getting special Allowance of Rs. 20/- per month. The management has acted in the normal course of business, as per the rules and the provisions, which governed the Service Conditions. The Party No. 2 was for all the time a Peon and even to-day he is the Peon. Merely withdrawal of the performance of the additional duties attracting the special allowance cannot be construed as a reversion nor it can be construed as punishment imposed on an employee and, therefore, there was no necessity of any departmental enquiry. Only after signing the Third Bipartite settlement dated 31-10-1979, the withdrawal of the special allowance was incorporated in the list of punishments. The withdrawal of the special allowance is no reversion in the light of the service conditions of the Party No. 2. The action on the part of the Bank Management is perfectly legal and justified. There is no substance in the contention raised by the party No. 2 and the reference be answered in the negative.

6. The following issue arises for my consideration and my finding thereon is as under :—

(1) Whether the action of the management of Union Bank of India, Gandhibagh Branch, Nagpur in withdrawing the duties of Daftry from Shri S.K. Awasthy from 27-9-1976 and reverting him to the post of a peon is justified ? If not, to what relief the concerned workman is entitled ?

My finding is in the affirmative.

REASONS

7. So far as the oral evidence is concerned, the Party No. 2 Sheoprasad Kashiprasad Awasthy examined himself at Ex-15 and two witnesses-Laxman Hari Vaidya Head Clerk working in the Union Bank of India, Nagpur at Ex-28 and Shri Gajanan Govind Bhutad, Head Cashier in the Union Bank of India, Nagpur at Ex-31. On behalf of the Party No. 1 Bank the then Branch Manager of the Main Branch Shri Kunjvihari Natwari Mehata entered the witness box and submitted himself for cross-examination at the instance of the aggrieved employee-Shri Awasthy, who made serious allegations against Shri Mehata in the representations made to the higher authority. In the evidence, however, Shri Awasthy, the Party No. 2 kept mum over all those allegations. Further, not a single question was put to Shri Mehata during his cross examination that he was in any way prejudiced against the Party No. 2 and that he was bent upon to harass the Party No. 2 acting in collusion with other Peon Shri Silote. It is pertinent to note that Shri Mehata had informed the Head Office vide Ex-34 on 26-3-1976 that the party No. 2 is in competent and keeps his work pending. That report was based on the audit note made by the Auditors on 2-3-1976 after inspection of the records. A memorandum was issued to the Party No. 2 on 5-6-1976 vide Ex-24 that he should improve working else the work of Daftry will be withdrawn from him. A lengthy representation was sent by the Party No. 2 on 8-5-1976. In this representation Shri Awasthy stated that he cannot complete the work as he is often disturbed by the clerks, who asked him to do this and that work. He also alleged that he was harassed, ill-treated due to his union activities. In the end he sought his transfer to other Branch of the Bank at Nagpur. A show-cause-notice was issued to the Party No. 2 as to why the allowance of Rs. 20/- which is paid to him for performing the duties of the Daftry should not be withdrawn, since he was not performing the duties of the Daftry satisfactorily. This show-cause-notice is dated 30-7-1976 at Ex-25. The reply to the show-cause-notice was given by the Party No. 2 at Ex-26 dated 5-8-1976. In this reply at Ex-26 the Party No. 2 has admitted the pendency of the work and irregularities and for that he tried to shift the responsibility on other staff members including the superior officers. This was suitably replied to by the Bank vide Ex-27 dated 16-8-76 and then by an order dated 27-9-1976 at Ex-22 the Bank withdrew the special allowance and also the duties of the Daftry from the Party No. 2.

8. Thus, one thing is certain that all the allegations against Shri Mehata have no substance in it. The contention of the

Party No. 2 that action against him was malafide and that it was in the colourable exercise of the employer's right carries no weight whatsoever.

9. The Party No. 2 admitted in his cross-examination that he took charge on 1-1-1961 and that in the service record, his date of appointment is mentioned as 1-1-1961. He has stated that he worked from 1-1-1961 in the Bank and got his salary from 1-1-1961 onwards only. That means, it is the false contention of the Party No. 2 that he was appointed in the month of December 1960. He cannot be senior to other Peon Shri Silote who also admittedly joined the duties on 1-1-1961.

10. The Witness No. 2 for the employee is Shri Laxman Hari Vaidya. He is working as Head Clerk in the same Bank from 1-1-1961. The evidence of Shri Vaidya is not of any help to the Party No. 2, who has attempted to certify the working of the Party No. 2 as satisfactory. According to him, the Party No. 2 ought to have promoted as per promotion policy of the Bank. He admits that Ex-30 is the Promotion Agreement of October 1975 and that there was no provision in the Bipartite Agreement about the withdrawal of the allowance.

11. The third witness is Shri Gajanan Govindrao Bhutad, the Head Cashier, who joined the Bank in the month of November 1972 as a Clerk. He is the General Secretary of the Union and the previous witness Shri Vaidya is the Vice President. Shri Bhutad has also attempted to show that Shri Awasthy kept no work in pending and that, therefore, he could have been continued as Daftry with the special Allowance. Apart from the fact that both these witnesses are highly interested, being the office bearers of the union, their evidence cannot be relied upon, when the employee himself has admitted that the work entrusted to him had fallen in arrears but he further adds that the arrears of his work are due to the activities of other staff members, including that of Shri Mehata.

12. The evidence of Shri Mehata is at Ex-32 and according to him after the audit note, he addressed the letter to the head office at Bombay regarding the performance of the Party No. 2. That letter is at Ex-34 signed by him. Not only that the Party No. 2 was often told orally several times to improve his working but to no effect. The Party No. 2 was on leave for a period of one year intermittently on the health ground.

13. The learned counsel for the Party No. 2 submitted before me that the withdrawal of the special allowance amounts to punishment and that it was not legal on the part of the Party No. 1 to impose such punishment, without regular departmental enquiry. The learned counsel for the Bank, however, submitted that such withdrawal of the allowance does not amount to punishment as such there was no need of any enquiry as such. Admittedly, the service conditions of the Party No. 2 are governed by the Bipartite Agreement and the Shastry Awards. The Counsel for the Party No. 2 did not bring to my notice any provision in the Bipartite Agreement or on the Shastry Awards or in promotion agreement to the effect that the withdrawal of such special allowance amounted to punishment as such. The impugned order of the Bank was passed on 27-9-1976 and till that date such withdrawal of the special allowance never amounted to any punishment as such. It, however, appears that in the subsequent Bipartite Agreement effected in the year 1979, such withdrawal of the allowance was to be treated as a punishment. We are here concerned with the service conditions of the Party No. 2 at the time when the impugned order was passed by the Bank. It may further be noted here that by an order dated 25th February 1974 vide Ex-18, the Party No. 2 was informed that besides his normal duties of Peon, he was to perform the duties mentioned in the said order and as long he was required to perform those functions, he would be entitled to the special allowance of Rs. 20/- per month. Admittedly, the Party No. 2 had failed to perform his duties as a Daftry despite oral advises and letter to improve his work. A show-cause-notice was also given and thereafter considering the explanation given by the Party No. 2, the order was passed withdrawing the special allowance and also withdrawing the duties of Daftry, which were performed by the Party No. 2. In the circumstances, it cannot be said that there was any

need for any departmental enquiry in withdrawing the duties of the Daftary from the Party No. 2 and consequently the withdrawal of Rs. 20/- special allowance.

14. The learned Counsel for the Party No. 2 also invited my attention to Section 9-A, 22 and 33 of the Industrial Disputes Act, 1947. So far as Sections 22, and 33 are concerned, it is quite apparent that those sections are not at all applicable to the facts in the present reference. Section 9-A of the Industrial Disputes Act, 1947, deals with the changes and the employer is not expected to effect any change without a proper notice. The changes contemplated under Section 9-A are specified in the IVth Schedule. It is true that Item No. 1 in the IVth Schedule deals with 'wages' and Item No. 3 deals with compensatory and other allowance. If we carefully read Section 9-A of the Industrial Disputes Act, 1947, it will be clear that if the change is effected in pursuance of any settlement, award or decision of the Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, etc., then no notice is necessary to effect any such change even if that comes within the purview of the matter in the Fourth Schedule. The Service Conditions of the Party No. 2 are governed by Bipartite Agreement and the Shastry Awards. The Bank Management took action against the Party No. 2 in the light of the provisions in the Bipartite Agreement and the Shastry Awards and, therefore it was not necessary to issue any notice of change to the Party No. 2. Assuming for the sake of argument that Section 9-A of the Industrial Disputes Act, 1947 is attracted, it will be seen from the record that as early as on 6-4-1976, the Party No. 2 was informed that he is keeping the work pending and that he should show improvement, else the duties of the Daftary, which were entrusted to him will be withdrawn. Thereafter, again a show-cause notice was given to the Party No. 2 and then finally the impugned order dated 27-9-1976 was passed. In the circumstances, it cannot be said that the Party No. 1 had effected a change without any notice as such.

15. In the light of my aforesaid discussion, it cannot be said that the order passed by the Party No. 1 on 27-9-1976 is in any way illegal or unjustified as such.

16. The learned Counsel for the Party No. 2 also tried to argue that the Party No. 2 ought to have been appointed as a Head Peon as he was senior most and that the Bank Management did not consider his claim and appointed a junior viz., Sandhya as the Head Peon. We are not concerned with this controversy in this reference and the only issue before me is about the legality or otherwise of the order passed by the Bank on 27-9-1976. It may be mentioned here that the Party No. 2 was not senior as such to Shri Silote as both of them had joined the duties on 1-1-1961. I would further like to observe that the contention of the Party No. 2 that the impugned order is the result of victimisation as such, carries no weight whatsoever. That is very apparent because not a single question to that effect was put to the Branch Manager Shri Mehata during the cross-examination. In the result I am inclined to answer the reference in the negative and hence I pass the following award :—

AWARD

(1) The reference is answered in the affirmative.

(2) The action of the management of the Union Bank of India, Gandhibagh Branch, Nagpur in withdrawing the duties of Daftary from Shri S. K. Awasthy from 27-9-1976 and reverting him to the post of a peon is justified. Therefore, the Party No. 2 is not entitled to any relief.

(3) There shall be no order as to costs.

(4) Submit the Award to the Under Secretary to the Government of India, Ministry of Labour, New Delhi, with reference to his letter No. 1-12012/54/79-D. II. A, dated 14th February 1980.

Nagpur.

23-12-83.

G.H. KADAM, Presiding Officer.
[No. L-12012/54/79-D.II(A)]

S.O. 365.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen which was received by the Central Government on the 5th January, 1984.

BEFORE JUSTICE SHRI K. K. DUBE (RETD.) PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC(R)(42) of 1981

Employers in relation to the Management of Central Bank of India, Jabalpur (M.P.)

and their workman

PRESENT :

Shri K. P. Munshi Advocate—for the Management Bank.

Shri L. N. Malhotra Advocate—for the Union.

INDUSTRY : Banking

STATE : M.P.

DISTRICT :

Jabalpur

Date of decision :

30-12-1983

AWARD

The Central Government in exercise of its powers under Section 10 of the Industrial Disputes Act, 1947 vide its notification No. L-12012(127)/80-D.II(A) dated 6th November, 1981 has referred the dispute between the employer in relation to the management of Central Bank of India Jabalpur (M.P.) and their workman regarding promotion of Shri Anoop Singh Yadav, a clerk in the Bank. The point of dispute referred in the following terms :—

"Whether the action of the management of Central Bank of India, Jabalpur in relation to their Jabalpur City Branch in denying promotion to Shri Anoop Singh Yadav, Clerk after he had given his consent on 29-8-77 is justified ? If not, to what relief is the workman concerned entitled ?"

The facts in this case are not in dispute. Shri A. S. Yadav was an employee in the Central Bank of India and he appeared in a test examination which was necessary for selection to the post of an Officer in the Bank. On 17-8-1977 he was informed by the Divisional Manager that he has been successful in the examination. He was also asked to give his option whether he wanted to be posted as a Sub Accountant or Special Assistant. Yadav wrote back on 29-8-1977 informing the Bank that he would be willing to accept posting as a Sub-Accountant. However, thereafter, he was not promoted and some persons junior to him were promoted. He, therefore, made representation to the Bank.

It is not disputed that the promotions in the Bank are governed by Bipartite settlement of 19th October, 1966. Paragraph 20 of the Agreement dated 20th December, 1975, regarding promotion policy for clerical staff and subordinate staff read as under :—

- (i) An employee who is punished for gross misconduct in terms of the Bipartite settlement shall be debarred for a period of 3 years from the date the punishment order is served on him.
- (ii) An employee who is suspended from service shall be debarred during the period of suspension.
- (iii) An employee who is charge-sheeted on the grounds of gross misconduct, but is not placed under suspension, shall be eligible for inclusion of his name in the Seniority List, as per rules under this Agreement. Even though his name is included in the Seniority List and he is allowed to sit in the promotion test, he shall not be promoted till the Departmental Inquiry against him is over and findings are delivered. In the event of his having been exonerated of all the charges of gross misconduct, he shall be deemed to have been promoted to the Officer Cadre or posted as a permanent

Assistant Head Cashier/Head Cashier 'C' or 'E' as the case may be or to a post attracting Special Allowance from the date any employee Junior to him in his category in the concerned Seniority List has been promoted/posted provided he is otherwise found fit for promotion or posting under this Agreement. Such promotion/posting shall be given with retrospective effect i.e. from the date his immediate junior was promoted/posted and he shall be paid appropriate arrears of wages if payable.

- (iv) An employee who is charge-sheeted for gross misconduct and against whom a departmental Inquiry is pending or is facing prosecution in Court of Law shall not be allowed any officiating charge.
- (v) No employee will be denied promotion on the basis of adverse remark in confidential report of the Management except in cases of gross misconduct as referred to hereinabove."

It appears that one Murli Dhar Tewari had made a complaint that from his account, a sum of Rs. 800 on 12-12-1975 and another sum of Rs. 900 on 18-12-1977 were illegally shown to have been withdrawn. The Bank naturally made inquiry and it transpired that Mr. Yadav was the Teller on the relevant dates when the two payments in the said account were debited. Despite a rule in the Bank that payment should not be made without presentation of the passbook in a saving bank account, the aforesaid payments had been made. The management handed over the matter to the police and made an independent inquiry about Mr. Yadav. The management found that in their opinion Shri Yadav had misconducted himself on 24 counts and by memorandum dated 16-8-1977 in which these charges were specified, asked for his explanation. Yadav had appeared in the examination for selection to the post of an officer in the bank. Thereafter Shri A. C. Shastri, Divisional Manager, Raipur by a letter dated 17-8-1977 had asked Mr. Yadav for his choice for posting as a Sub Accountant or a Special Accountant. Though Yadav replied on 3-9-1977 indicating his choice as already stated above. The Bank promoted many other juniors over him and by a letter dated 22-9-1977, informed Yadav that he had not been promoted because all the charges against him as conveyed by the memorandum dated 16-8-1977, had been prima-facie established. It was stated that unless he was exonerated of the charges he would not be considered for promotion.

On 22nd October, 1977 Mr. Yadav submitted his explanation on the 24 charges against him. In the opinion of the bank the charges in the main were established and had been admitted by Yadav. The Union now interposed on Shri P. N. Sharma, representative of the Union approached the management of their Regional Office of the Bank at Bhopal. It seems that management though fit to issue another charge sheet in supersession of the charge sheet dated 4-8-1977. They, therefore, vide memo dated 17-8-1979 called for the explanation of the charges contained therein. Mr. Yadav unconditionally admitted the charges and now accepted the punishment proposed by the management. It would be relevant to quote the following paragraphs from the memorandum served on Yadav as they seem to have a bearing in the matter :—

"That the aforesaid acts of commission and or omission on the part of Shri A.S. Yadav proves his negligence in performing duties which constitute 'gross misconduct' under clause 19.7 (c) of the aforesaid Bipartite Settlement and had not acted as per the rules and practice of the Bank in passing the aforesaid withdrawals and making the payment thereon.

The aforesaid acts of omission on the part of Shri A. S. Yadav are prima-facie cases of his negligence in the performance of his duties on the basis of available records of the bank and he has also made a tentative admission of the aforesaid facts reported against him vide his reply dated 22-10-1977 addressed to Divisional Manager, Central Bank of India, Jabalpur.

Shri A. S. Yadav is, therefore, liable for the aforesaid misconduct and it is proposed by the Management to award him the punishment of 'Warning' under clause 19.8 (a) of the above Bipartite Settlement of October, 1966 read with Clause 19.12 (e) of the above settlement without holding an enquiry against him into the aforesaid charges.

Shri A.S. Yadav is hereby advised to submit his reply/explanation within 7 days of the receipt of this show cause notice as to why the disciplinary action should not be taken against him in respect of the aforesaid charges and also why the above proposed punishment should not be inflicted and confirmed upon him by the Management. In case he fails to submit his reply within the aforesaid time, it will be presumed that he admits the charges and does not want to offer any reply/explanation to the aforesaid show cause notice and in that case the aforesaid proposed punishment will be deemed as confirmed and inflicted upon him after the expiry of the aforesaid period."

In reply to this Mr. Yadav by his letter dated 21-11-1979, stated that he accepted the punishment of warning for minor misconduct, admitted by him in terms of clause 19.8 (A) of Bipartite settlement dated the 19 October, 1967 as proposed by the management. Management contends that Mr. Yadav could not be promoted as he had been found guilty of gross misconduct & he was unsuitable. It is only an employee who is exonerated of all charges that he becomes entitled to back date promotion and back wages. Charges against him in the opinion of the Bank were substantially serious as constituted gross misconduct as defined in the Bipartite settlement of 19th October, 1966.

Two preliminary objections as to the tenability of the reference were raised. First, it was contended that the question of promotion of Anup Singh Yadav would not fall within the meaning of an industrial dispute as defined in section 2(k) of the Act and as used in Section 10 of the Industrial Disputes Act inasmuch as the alleged dispute is not concerned at all, either with Yadav's employment qua a workman, or with his unemployment qua a workman or with the terms and or conditions of his employment qua a workman. It is difficult to see how the dispute raised in the present case is not connected with the employment of Yadav. The future promotions or as much terms of employment as the continuance of employment and it could not be said that withholding of the promotion would not be industrial dispute within the meaning of section 2(k). This objection has no substance and is accordingly rejected. Secondly, it is contended that the promoted post being that of an officer for which Yadav was raising the industrial dispute, he would no longer remain a workman once he assumes the character of an officer and therefore, it is not a dispute for which the provisions of Industrial Disputes Act would be attracted. This has hardly any substance. In the present case there is a dispute regarding the promotion of the workman, whether it be to the post of an officer or otherwise. In terms of service conditions he was entitled to be considered for promotion and that not having been done, an industrial dispute would exist on this count.

The Bank by its Memo of charges dated 4-8-1979 imputed six charges against A.S. Yadav, Expressly stating that he had committed gross misconduct under clause 19.5(j) of the Bipartite Settlement of 19th October, 1966, that his conduct was prejudicial to the interest of the Bank which again constituted gross misconduct, that he had been grossly negligent in performance of his duties and that he had not acted as per the rules and practice of the Bank in several matters. The charge of being grossly negligent in performance of his duties were made out on the basis of the available record of the Bank. He admitted the aforesaid facts vide his reply dated 22nd October, 1977 addressed to Divisional Manager, Central Bank of India Jabalpur. The memo stated that he was therefore, liable for gross misconduct. The Management proposed the punishment of warning under clause 19.6(b) of the Bipartite Settlement of October 19, 1966 read with clause 19.12(e) of the above Settlement without holding an enquiry against him, into the aforesaid charges. The memo concluded by asking Yadav to submit his reply/explanation within 7 days of the receipt of the show cause notice as to why disciplinary action should not

be taken against him and why the proposed punishment should not be inflicted.

As already stated that after this the Union interposed and the Bank now viewed the matter in a different way. By another letter dated 17th August, 1979 the Bank wrote that in supersession of the Memo, dated 4th August, 1979, they asked Yadav to submit his reply to the charges annexed in a Memo of charges. The memo of charges dated 17th August, 1979 are therefore become the subsisting charges against the delinquent officer. Now this charge-sheet expressly stated that Yadav was charged for committing minor misconduct under clause 19.7(c) of the Bipartite Settlement of 19th October, 1966. The six charges were exactly repeated in the same way as in the earlier charge sheet. However, Yadav was now told that the same six charges constituted minor misconduct under clause 19.7(c) of the aforesaid Bipartite Settlement. It was then stated that the acts and omissions *prima facie* constituted negligence in the performance of his duties on the basis of the available record of the Bank and that he had made a tentative admission of the aforesaid facts reported against him. Reference was made to the same reply dated 22nd October, 1977 addressed to Divisional Manager, Central Bank of India, Jabalpur. The Memo then goes on to state that Yadav was liable for the above misconduct and it was proposed that he be imposed punishment of warning under clause 9.8(a) of the Bipartite Settlement, read with clause 19.12(c) of the same Settlement without holding an enquiry against him. He was then given 7 days time to reply. It is in response to the second memo. of charges superceding the first that Yadav wrote back that he accepted the punishment of warning for the minor misconduct in terms of clause 19.8(a) of the Bipartite Settlement of 19th October, 1966 as proposed by the Management. The Management now contends that the charges are the same and factually the delinquent officer has admitted the same. The stamping of the charges as minor misconduct will not avail the delinquent officer any benefit if in fact they amounted to gross misconduct in terms of the Bipartite Settlement. This in short is their case.

There may be substance what they say but Yadav cannot then be held pin down to his acceptance of the guilt as having committed major misconduct in terms of his reply dated 21st November, 1979. Moreover, somebody would have to apply his mind before serving a charge sheet whether the misconduct amounted to a gross misconduct or was a minor misconduct. This is important in terms of the Bipartite Settlement, the relevant part of which has already been quoted above. The relevant clause of the Bipartite Agreement may now be examined to see how far it is attracted in the present case. In terms of clause 20.1, if an employee is punished for gross misconduct in terms of Bipartite Settlement, he will be debarred for a period of 3 years from the date of punishment order served on him. The question is whether Yadav has been punished for gross misconduct. The admission of the delinquent officer was for minor misconduct and therefore, in terms of his admission he could only be punished for minor misconduct. The contention that the charges in substance were gross misconduct and therefore his admission to be punished for warning would be an admission of gross misconduct cannot be accepted. When the memo. in substance and in fact stated that he has committed minor misconduct that the minor misconduct seems established from his admission, it was no longer open for the Management to say that the misconduct was major and that it was gross misconduct. Therefore clause 20.1 would not be attracted. Similarly, clause 20.2 will not be attracted. We then come to clause 20.3. Now applying this, Yadav had been first charge-sheeted for gross misconduct. He was not placed under suspension. He was permitted to appear in the promotion examination. His name was included in the seniority list, but he had not been promoted as the departmental enquiry against him was pending and findings on the charges had not been given. In the meantime, the Management had re-thought about the matter and seems to have exonerated him for gross misconduct. It would be seen that for clauses 20.1 and 20.3, a finding that he had committed a gross misconduct and that he was charge-sheeted for a gross misconduct both would be important and material. Therefore, when to begin with, he was charge-sheeted for gross mis-

conduct, a memo. dated 17th August, 1979 he had been exonerated of the gross misconduct and was only charged with minor misconduct. Now it is on this relevant dated i.e. 17th August, 1979 when the Management exonerated him of the gross misconduct that the question of promotion had to be considered. Under paragraph 20.3 once he is exonerated of gross misconduct, the delinquent officer shall be deemed to have been promoted to the officer-cadre or posed as a permanent Assistant Head Cashier as the case may be from the date any employee junior to him in this category in the concerned seniority list has been promoted provided he is otherwise found fit for promotion or posting under the agreement. Therefore, on this date i.e. 17th August, 1979 the Management could consider whether the delinquent officer was otherwise fit to be promoted. Now fitness was not merely in terms of passing the examinations. Promotion to the cadre of an officer certainly demands many other considerations like suitability, character of the employee, satisfaction of the Management about the integrity and honesty. The management certainly could not treat the establishment of the minor misconduct as the establishment of charges of gross misconduct. The Management certainly could not consider any other things or any other charges for which the delinquent officer had been exonerated but they could consider his suitability vis-a-vis the establishment of the minor misconduct, and if in their opinion, the minor misconduct was such as would militate against the suitability of such an officer, the Management would be justified in not promoting him. And this, the Management seems to have done. Therefore, the Management seems to be fully justified in terms of para 20.3 in not promoting the delinquent officer being found unsuitable to an officer's post. The case is of 1979. By now 3 years have elapsed and if the concerned officer has not already been promoted. I am sure, the Management would now reconsider the question of his promotion in the light of his performance made during this period.

ORDER

I, therefore, render this award as under :

That it was open to the Management to consider in terms of paragraph 20.3 of the Bipartite Settlement to examine whether or not Yadav was suitable enough to be promoted to the post of an officer in the Bank through such a consideration could not be denied to him on the ground that he had committed gross misconduct, as the Management eventually found that he had committed minor misconducts. Therefore, though the reasoning given by them in their statement may not be correct, they had an unreserved right to consider the suitability of the workman for promotion in terms of paragraph 20.3 of the Settlement. They were, however, required to objectively determine this after informing the workman concerned. The disqualification even according to them ended only for three years in terms of paragraph 20.1 of the Settlement. The three years having elapsed, they are bound to reconsider the case of Yadav if he has not already been promoted.

There shall be no order as to costs.

K. K. DUBE, Presiding Officer.

[No. L-12012/127/80-D.II(A)]

N. K. VERMA, Desk Officer

New Delhi, the 19th January, 1984

S.O. 366.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in respect of a complaint under section 31A of the said Act, filed by Serva Shri Lodai Harijan, underground Loader and Somer Dusad, Trammer of New Kenda Colliery, against the management of New Kenda Colliery of Eastern Coalfields Limited P.O. Topia, District Burdwan and their workmen, which was received by the Central Government on the 11th January, 1984.

BEFORE THE CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO.3, DHANBAD

Complaint Case No. 6/82

PRESENT :

Shri J. N. Singh, Presiding Officer

PARTIES :

Lodai Harijan, Underground Loader and Somar Dusad, Trammer of New Kenda Colliery of E.C.L., P.O. Topsi, Burdwan.

...Complainants

Vs.

The Agent, New Kenda Colliery, Eastern Coalfields Ltd., P.O. Topsi, District Burdwan ...Opp. Party.

APPEARANCES :

For the Complainants—Sri S. Yer Mohammad, Org. Secy. C.M.S.

For the Opp. Party—Sri N. Das, Advocate.

INDUSTRY : Coal STATE : West Bengal

Dated, the 6th January, 1984

AWARD

This is a Complaint Petition U/S. 33-A of the Industrial Disputes Act, 1947 of the Industrial Disputes Act, 1947, filed by Lodai Harijan and Somar Dusad, underground loader and trammer respectively.

2. Their case is that their services had been terminated on and from 1-9-82 and 6-11-82 respectively on the ground of superannuation alleging that they had attained the age of superannuation. It is submitted that the management in Form B register recorded increased age of these workmen with a purpose to retrench them earlier. It is also stated that a Reference Case No. 41/82 is pending before this very Tribunal for the same issue and hence the action of the management in superannuating them during the pendency of the said Reference is illegal and unjustified.

3. The defence of the management is that the present complaint is not maintainable as the complainants have no concern in the dispute which is subject matter of Reference Case No. 41/82. It is stated that these complainants reached their respective age of superannuation and as such they have been superannuated from the date mentioned by the applicants. It is submitted that there has been no violation of any of the provisions of Section 33 of the Industrial Disputes Act.

4. The point for consideration is as to whether the action taken by the management is illegal.

5. The first question to be considered is as to whether the concerned workman is in any way connected with the dispute of Reference Case No. 41/82. The said Reference case is in respect of the action of the management in superannuating one Airdhya Kera with effect from 3-10-81. Thus the said case is for superannuation only and that also of an individual workman. The concerned workman in the circumstances, therefore, cannot be said to be connected with the said dispute. Further the provisions of Section 33 of the Industrial Disputes Act do not apply in cases of superannuation. According to the management the concerned workmen were superannuated on attaining the age of 60 years. If the concerned workmen had any grievance against such superannuation the proper course for them was to raise an industrial dispute and get a Reference made under Section 10 of the I.D. Act. The concerned workmen can on no account be said to be connected with the dispute in Reference Case No. 41/82.

6. Under the circumstances it is held that the present complaint petition is not maintainable and hence it is dismissed.

J. N. SINGH, Presiding Officer.

[No. I-20025/1/84-D.III(A)]

S.O. 367.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947). The Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the

management of Badjna Colliery of Messrs Eastern Coalfields Limited, Post Office Nirjhachatti, District Dhanbad and their workmen, which was received by the Central Government on the 11th January, 1984.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 30/81

PRESENT :

Shri J. N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Badjna Colliery of M/s. Eastern Coalfields Ltd., P.O. Nirjhachatti, Dist. Dhanbad.

AND

Their workmen

APPEARANCES :

For the Employers—Shri R.S. Murthy, Advocate.

For the Workmen—Shri S. Bose, Secretary, R.C.M.S.

INDUSTRY :—Coal

STATE :—Bihar

Dated, the 5th January, 1984.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 1947 has referred the dispute to this Tribunal for adjudication, under Order No. I-20012 (64)/1-D. III. A. dated the 20th June, 1981.

SCHEDULE

“Whether the action of the management of Badjna Colliery of M/s. Eastern Coalfields Ltd., P.O. Nirjhachatti, Dist. Dhanbad in not placing Shri Chandradeo Mishra in Clerical Grade-I as Loading Supervisor or Incharge with effect from the 1st May, 1973 is justified ? If not, to what relief is the said workman entitled ?”

2. The case of the workman is that he joined service in Pure Singhpur Colliery Railway Siding since 1967. When the said colliery was under private ownership it was taken over by the Central Govt. along with other non-coking coal mines with effect from 31-1-1973 and thereafter it was nationalised.

3. It is then alleged that the private owner did not implement the Coal Wage Board recommendation but immediately after take over the new management prepared fresh pay slips in respect of taken over employees and in that process fixed the basic salary of the concerned workman at 205/- in Clerical Grade II. It is submitted that the concerned workman was entitled to be fixed in Clerical Grade I at Rs. 280/- basic, but it was not done. The Pure Singhpur colliery was subsequently merged with Badjna Colliery. The concerned workman alleges to have made representation against fixation of his pay by petition dated 9-4-73 which is said to have been duly endorsed by Shri A. S. Dugal, Manager Badjna Colliery and it is stated that thereafter the pay to the concerned Workman was revised and he was placed in Clerical Grade II but that was also not proper. It is further stated that when no favourable order was passed the concerned workman raised a dispute before the A.L.C. in the year 1979 and after failure of the conciliation proceeding the present Reference was made. It is submitted by him that he is working as Loading Supervisor since before nationalisation and hence he should be put in Clerical Grade I with effect from 1-5-73 (the date of nationalisation) with all consequential relief.

4. The defence of the management is that the concerned workman was employed in Singhpur Colliery prior to its take over and he became an employee of the present management after take over and nationalisation. He was placed after nationalisation in the post of Munshi in the pay scale of

Clerical Grade III considering his educational qualification and after sometime he was placed in Clerical Grade II as Loading Clerk. It is submitted that since Singhpur Colliery was a very small colliery it was merged with Badjna Colliery after nationalisation and in the re-grouped Badjna Colliery the management had a Loading Supervisor besides 2 Grade I Loading Clerks working under them and so there was absolutely no scope for employment of any one else in Clerical Grade I or as Loading Supervisor. It is, however, submitted that during conciliation preceding it transpired that the concerned workman had manipulated and got a certificate fabricated with back date purported to have been issued by one Shri A.S. Dugal who was originally the Asstt. Manager of Singhpur Colliery. But Shri Dugal had no authority to issue any such certificate and the said certificate can be no basis in support of the claim of the concerned workman.

5. It is also submitted that the concerned workman is junior to several others and he cannot be picked up for a special benefit as the management has got promotion rules and promotion in higher post is given in accordance with those rules. According to the management the claim of the concerned workman is unjustified and he is not entitled to any relief.

6. The point for consideration is as to whether the action of the management in not placing the concerned workman Sri Chandradeo Mishra in Clerical Grade I as Loading Supervisor or Incharge from 1-5-73 is justified. If not, to what relief is he entitled.

7. In the alleged representations purported to have been filed by the concerned workman before the management Ext. W-4 series it will appear that the concerned workman claimed that he was getting more than the pay of Clerical Grade III under the erstwhile management but this does not appear to be correct nor any document has been filed on behalf of the concerned workman that he was getting higher grade or pay before the erstwhile management. Ext. M-1 is a the bonus register for January '73 and this is the earliest document in the case. From this register it will appear that the basic salary of the concerned workman was Rs. 180/- only which is the grade of Loading Munshi in Grade III. Form B register is Ext. M-4 and it was prepared after nationalisation. Sl. No. 150 would show that the concerned workman has been shown as a Loading Clerk which is in Grade II. Ext. M-2 is Form 'H' of Coal Mines Provident Fund and Sl. No. 3 would show that the concerned workman has been shown as a Clerk in the same category. It appears that in 1974 a categorisation list was prepared by the present management and there he was shown as Category II Loading Clerk (Ext. M-4) as he was given Category II. Thus there is no document on record to show that the concerned workman ever worked as a Loading Supervisor so as to entitle him to be put in Grade I. He was in Grade III before nationalisation and sometime after nationalisation he was put in Grade II.

8. As against this the concerned workman has relied on Ext. W-5 which is a certificate dated 6-3-75 purported to have been granted by Shri Dugal, Manager. In this certificate Shri Dugal wrote that the concerned workman was working as a Loading Supervisor for the last 8 years. Shri Dugal left the service of the management sometime after nationalisation and it is contended by the management that Shri Dugal had no authority to grant any such certificate and that the concerned workman has manipulated this document subsequently. Ext W-4 is a representation purported to have been filed by the concerned workman on 9-4-73. In this petition he stated that he was working as a Loading Supervisor for the last 8 or 9 years but when the categorisation list came he found that he had been shown as a Loading Clerk on a pay of Rs. 205/- but it is much less because before nationalisation he was getting higher pay and that his pay should be fixed at Rs. 245/- per month at the minimum. On this representation there is an endorsement of Sri Dugal stating that the applicant had worked as a Loading Supervisor since 8 years in Singhpur Colliery. From the written statement of the concerned workman it will appear that he joined Singhpur colliery in 1967 and therefore he could never have completed 8 or 9 years service in the year 1973. Further it will appear that the categorisation list was prepared in 1974 but this representation is of April 1973. If this application

would have been a genuine document and would have been filed in the year 1973 then the mention of categorisation list should never have been made in it as by that time there was no question of any categorisation list. On these two grounds the management has urged that this is a manipulated document and the endorsement of Sri Dugal was obtained subsequently. Another document filed on behalf of the workman is a photostat copy of record note of discussion held on 4-2-75 concerning requirements of Loading personnel. It has been marked Ext. W-2. This would show that in the loading section the following categories were prescribed :

- (a) Despatch Superintendent
- (b) Loading Inspector
- (c) Asstt. Loading Inspector/Loading Supervisor
- (d) Loading Munshi.

On the basis of the this entry it is submitted on behalf of the workman that there was no post of Loading Clerk as per this categorisation and the concerned workman was in fact working as a Loading Supervisor. This document, however, is not helpful to the workman in any way. The concerned workman, according to the management, worked as a Loading Clerk and was placed in Clerical Grade II.

9. MW-1 Shri K.G. Bishal is the Bill Clerk and he has stated that there was no loading Supervisor deputed at the siding where the concerned workman was working and that one Mr. Bhatia was supervising the work. After nationalisation there were other Grade I staff who supervised this work and the concerned workman worked as a Loading Clerk only. It is also in evidence of MW-1 & MW-2 that Singhpur colliery was a very small colliery having a production of about 5000 tonne only per month and so after nationalisation it was merged with Badjna Colliery and the Singhpur siding was closed.. Badjna Colliery has get 2 sidings known as Badjna siding and Sindri siding and the concerned workman is Sindri siding. The workman has also filed an Office Order dated 10-10-83 but this is also not helpful at all. It utmost shows that one Sri Teja Singh was a Loading Clerk in Badjna Colliery was promoted as Despatch Superintendent and was placed in grade Technical 'B'. It does not show that he was placed in Grade I. There is no document to prove that anybody junior to the concerned workman has been promoted to Clerical Grade I and so it cannot be said that any discrimination has been caused by the management.

10. The concerned workman, however, has filed two slips Ext. W-6 & W7 which are addressed to Loading Supervisor, Singhpur depot and below them Chandradeo Mishra has been written. This has been filed to show that these 2 slips were addressed to the concerned workman as Loading Supervisor. But from a very look to these 2 slips it will appear that the name of Shri Mishra has been added in these slips subsequently in different ink. The ink of the entire slip is quite different from the ink used in writing the name of Shri Mishra. These 2 documents are highly suspicious and no reliance can be placed on them.

11. The concerned workman has no doubt examined himself as WW-1 and has stated that he was working as a Loading Supervisor but there is no document in support of this evidence and in the absence of any authentic document it cannot be held that the concerned workman was working as a Loading Supervisor or that he is entitled to be placed in Clerical Grade I.

12. Considering the evidence on record, I hold that the action of the management in not placing the concerned workman in Clerical Grade I as Loading Supervisor or Incharge from 1-5-1973 is justified. In the circumstances the concerned workman is not entitled to any relief.

13. It may, however, be mentioned that during the pendency of the case Shri T.P. Chowdhury the learned Advocate on behalf of the management (since expired) on several dates took time for hearing of the case on the ground that the matter was under consideration of the management and some relief would be given to the concerned workman. Keeping this aspect of the matter the management will consider the case of the concerned workman and see if he may be given Category I from any subsequent date if his work is

found satisfactory. This observation however, is not binding on the management but keeping in view the cordial relation between the employer and employee the management will consider the case of the concerned workman favourably as the concerned workman is in Grade II since as early as 1974.

14. The award is given accordingly.

J.N. SINGH, Presiding Officer.

[No. L-20012/64/81-D. III (A)]

S.O. 368.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of North Golukdih Colliery of Bastacolla Area of Messrs Bharat Coking Coal Limited, P.O. Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 10th January 1984.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference Case No. 92/82

PARTIES :

Employers in relation to the management of North Golukdih Colliery of Bastacolla Area of M/s. Bharat Coking Coal Ltd.

AND

Their workmen

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri B. Lal, Advocate.

INDUSTRY : Coal.

STATE : Bihar

Dated, the 4th January, 1984

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-24012-(19)/82-D.IV(B) dated the 24th September, 1982.

SCHEDULE

“Whether the demand of the workmen of North Golukdih Colliery of Bastacolla Area of M/s. Bharat Coking Coal Ltd., P.O. Jharia, Dist. Dhanbad that the workmen mentioned in the Annexure below should be allowed to resume their duties with full back wages for the period of forced idleness, is justified? If so, to what relief are the said workmen entitled?”

ANNEXURE

List of the workmen of North Golukdih Colliery of Bharat Coking Coal Limited.

1. Lalaram Chauhan
2. Kedar Beldar
3. Bhdiro Beldar
4. Bhunesar Beldar
5. Sahadeo Beldar
6. Ramiswar Chouhan
7. Jagdish Beldar
8. Ram Pd. Beldar
9. Lekhan Beldar
10. Rameshwar Chouhan
11. Parma Beldar
12. Shyama Beldar

13. Bishu Beldar
14. Shukul Beldar
15. Doman Beldar
16. Sarju Beldar
17. Chuttu Nunia
18. Biranchi Rewani
19. Amrika Mallah
20. Moti Mahato
21. Dubin Manjhi
22. Siboo Bouri
23. Ganaui Nonia
24. Urmila Beldarin
25. Fukumari Beldarin
26. Lachminia Beldaria
27. Bhikni Beldarin
28. Jabni Beldarin
29. Amolwa Beldarin
30. Rajia Beldarin
31. Sonamati Beldarin
32. Puniya Beldarin
33. Bimla Kamin
34. Kamta Kamin
35. Lalmuni Manjhan
36. Sugia Mahtewain
37. Churki Manjhain
38. Srimoty Majhianin
39. Maloty Majhian
40. Senody Manjhain
41. Rajkumar Rewani
42. Kishna Beldar
43. Paudarwa Beldar
44. Hira Lal
45. Nirmal Chatterjee
46. Sudama Sao
47. Deoki Beldarin
48. Lolwa Beldarin
49. Rameshwar Nunia
50. Mahendra Nunia
51. Surendra Nunia
52. Madhusudan Nunia
53. Baijnath Nunia
54. Kisna Nunia
55. Bhola Nunia
56. Sundar Nunia
57. Hiralal Nunia
58. Ramsevak Nunia
59. Lalu Nunia
60. Barku Nunia
61. Lalu Nunia
62. Nemanji Nunia
63. Sibai Nunia
64. Mahadeo Rewani
65. Saraswati Beldarin
66. Ashua Bunian
67. Burhan Mahato
68. Kosilya Beldarin
69. Tota Rewani
70. Bansi Nonia
71. Chouthi Yadav
72. Phulawa Nonia
73. Sonodi Nonia
74. Ramadhar Yadav
75. Damini Beldarin
76. Kameshwar Yadav
77. Ramchander Yadav
78. Pansuki Beldarin
79. Sonodi Nonia

- 80. Munilal Harijan
- 81. Binod Harijan
- 82. Rama Harijan
- 83. Marin Beldarin
- 84. Yasoda Beldarin
- 85. Padarath Sao
- 86. Narayan Sao
- 87. Shankar Sao
- 88. Kalishanwer Mukherji
- 89. Anadinath Mukherji
- 90. Nepal Ch. Dalal
- 91. Mahabir Sao
- 92. Bimal Kumar Kar
- 93. Nabanidhar Singh
- 94. Opindo Rajak
- 95. Uttam Kr. Dutta
- 96. Nepal Rajak
- 97. Chandradeo Jha
- 98. Magaram Mullick
- 99. Janardan Dusadh
- 100. Sunil Mullick
- 101. Rapal Manjhi
- 102. Dharmendra Manjhi
- 103. Sukhlal Manjhi
- 104. Heman Mia
- 105. Karim Mia
- 106. Yakub Mia
- 107. Ismile Mia
- 108. Jamruddin
- 109. Ganauri Bhuria
- 110. Mohan Bhuria
- 111. Darban Bhuria
- 112. Mahabir Bhuria
- 113. Barku Bhuria
- 114. Tulu Bhuria
- 115. Sudama Sao
- 116. Sona Mahato
- 117. Sukar Mahato
- 118. Ramchander Mahato
- 119. Janki Mahato
- 120. Gopal Mallah
- 121. Srigobind Mallah
- 122. Nepal Mallah
- 123. Gulet Mallah
- 124. Khago
- 125. Pando Sao
- 126. Pariyag Thakur
- 127. Bisun Sao
- 128. Balram Sao
- 129. Rambharat Mahato
- 130. Parmen Sao
- 131. Tekan Mahato
- 132. Kisundeo Pandit
- 133. Balmiki Pandey
- 134. Naresh Pandey
- 135. Mungeswar Rawani
- 136. Ramprasad Rawani
- 137. Bhagat Pandit
- 138. Chaman Rawani
- 139. Ajai Kumar Pandey

2. There are 139 persons involved in this Reference. Their case is that they had been working in North Golukdih Colliery in Bastacolla Area of Bharat Coking Coal Ltd., for a long period and even after nationalisation of the mine they continued to work in the said mine upto the year 1974. It is stated that since before the erstwhile management Sri Lala Ram Chauhan Sl. No. 1 of the schedule of Reference was supervising the work of the rest 138 persons.

3. It is then alleged that on 11-2-74 the L.E.O. visited the establishment of North Golukdih Colliery and stopped the work of Lala Ram Chauhan and 138 workers and also seized the registers and other documents of Sri Lala Ram Chauhan and a case was instituted against him being C.L.A. 60 & 61 of 1974. The Chief Judicial Magistrate took cognizance against Shri Lala Ram Chauhan and the case was transferred to Sri Ishwari Prasad, Judicial Magistrate, 1st Class, Dhanbad who on 16-4-82 passed order holding that it was not proved that Shri Lala Ram Chauhan was a contractor. It is submitted that the concerned workmen worked till 11-2-74 and when they were stopped work they raised an industrial dispute which ultimately resulted in the present reference. It is submitted that they should be allowed to resume their duties with full back wages for the period of forced idleness.

4. On the other hand the case of the management is that there was never any relationship of employer and employee between the management and the concerned workmen and that all the concerned workmen except Sri Lala Ram Chouhan are fictitious persons. It is, however, stated that Shri Lala Ram Chauhan was a contractor for doing the job of removal of over burden of open cast workings of North Golukdih Colliery. The said contract was abolished after take over in the month of March '74. Sri Lala Ram Chouhan was however prosecuted by the L.E.O. for violation of the provisions of Contract Labour (Regulation and Abolition) Act. He along with 2 others, however, raised an industrial dispute on the allegation of illegal and arbitrary termination of their services, but the dispute was not referred to for adjudication on the ground that no employer and employee relationship existed between Shri Lala Ram Chouhan and the present management.

5. It is submitted that after a lapse of about 7 years Shri Lala Ram Chouhan has again raised the dispute giving the list of fictitious persons who were never employees under the present management. It is, however, submitted that Shri Lala Ram Chouhan used to engage only 15 to 39 workers on the job of removal of over burden on different dates and those 15 to 39 workers were subsequently absorbed by the management but Sri Lala Ram Chauhan was not absorbed as he was contractor. The main defence is thus that as there is no relationship of employer and employee, the question of giving job to the concerned workmen does not arise at all.

6. The point for consideration is as to whether the demand of the workmen concerned that they should be allowed to resume their duties with full back wages for the period of forced idleness is justified. If so, to what relief they are entitled.

7. As per schedule of Reference it is for the workmen to prove that they were the employees under the present management and they were illegally stopped work. The workmen have filed Ext. W-1 which is the authorisation under Clause 36 of the Coal Mines Regulation, 1957 showing that in October '72 Sri Lala Ram Chauhan was authorised by the Manager as an Explosive Carrier and Sri Lala Ram Chauhan accepted this authorisation and put his signature in token thereof. It is the definite case of the management that Sri Lala Ram Chauhan was a contractor for removing over burden which job continued for some time even after take over and then it was stopped as per policy of the Govt. MW-1 has further stated that explosives were required for blasting only in order to remove the over burden and for that explosives were supplied to Shri Lala Ram Chauhan and hence he was given such an authorisation. The fact that Shri Lala Ram Chauhan was the contractor under the management is conclusively proved from Ext. M-2 which is a contractor's bill dated 2-2-73. It shows that the contractor, Shri Lala Ram Chauhan had been given the work of removal of overburden and he submitted a bill which was passed by the management and paid to him after deduction of income tax and the amount of materials issued from the store. The Manager MW-1 has stated that the price of explosives supplied to Sri Lala Ram Chauhan used to be deducted from his bill which is amply proved from Ext. M-2. MW-1 has also clearly shown that none of the concerned workmen ever worked under the management.

8. Not a single chit of paper nor any appointment letter has been filed by the workmen to show that they were ever employed by the present management. As against this the management has filed Ext. M-1 series which are the bonus registers for the year 1973-74 which show that the name of none of these workmen appear in them. If these workmen would have been working under the management during the relevant period their names must have found entered in these registers. WW-2 claims to be one of the concerned workmen. He has stated that none of them got any appointment letter or any paper from the private employer. It is also admitted by him that the workmen besides their wages got bonus, sick leave, train fare etc. No paper has been filed on behalf of the workmen to show that they ever got these facilities. It is not likely that these workmen who claim to have worked since before nationalisation would not have in their possession a chit of paper to support their case.

9. The workmen have, however, filed a receipt showing that 15 note books were received by the Manager from Shri Lala Ram Chauhan and Ext. W-3 is said to be a list of workmen which were mentioned in those 15 books. The case of the workmen is that the Manager took charge of those receipts in the month of March '73 after take over but the Manager MW-1 has denied his signature on these two documents. These 2 documents thus do not prove that the concerned workmen were working under the present management. Further if these workmen would have been working under the present management after take over then their names must have appeared in Form B registers as well as bonus registers. It is not their case that their names appeared in Form B register which is statutory document.

10. Considering these, I hold that the workmen have failed to prove that there was any relationship of employer and employee between the management and the concerned workmen. As the said relationship is not proved the concerned workmen are not entitled to any relief.

11. The award is passed accordingly.

J. N. SINGH, Presiding Officer
[No L-24012(19) '82-D.IV(B)]

S.O. 369.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Seetalpur Colliery of Sodepur Sub-Area of Messrs Eastern Coalfields Limited, and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference Case No. 103/80 & No. 40/81

PARTIES :—

Employers in relation to the management of Seetalpur Colliery of Sodepur Sub-Area of Eastern Coalfields Ltd., P.O. Dishergarh, Dist. Burdwan.

AND
THEIR WORKMAN

APPEARANCES :—

For the Employers—Shri B.N. Lal, Advocate.

For the Workman—Shri J.D. Lal, Advocate.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 31st December, 1983.

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1) (d) of the Industrial Disputes Act, 14 of 1947 referred the Reference Case No. 103/80 to the Industrial Tribunal-cum-Labour Court, Calcutta for Adjudication under Order No. L-19012 (44)/78-D. IV(B) dated 13-11-79. Subsequently the dispute has been transferred to this Tribunal for adjudication by Order No. S-11025(4) 80-D. IV(B) dated 14th/17th November, 1980 under the following schedule.

SCHEDULE

"Whether the action of the management of Sodepur Sub-Area of Eastern Coalfields Ltd., P.O. Dishergarh, Dist. Burdwan in stopping Sri Sriharsha Roy, Store Keeper from working with effect from 11th December, 1975 is justified ? If not, to what relief is the concerned workman entitled?

2. The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred another Reference Case No. 40/81 to this Tribunal for adjudication under Order No. L-19012(49)/79-D. IV(B) dated the 15th September, 1981 under the following schedule :

SCHEDULE

"Whether the action of the management of Seetalpur Colliery of Sodepur Sub-Area of M/s. Eastern Coalfields Ltd., P.O. Dishergarh, Dist. Burdwan in dismissing Shri Sriharsha Roy, Store Keeper with effect from 2-11-78 is justified ? If not, to what relief is the workman concerned entitled ?"

3. Both the above References have been heard together and this award will govern both the cases as the parties are the same.

4. It appears that in Reference Case No. 40/81 a chargesheet dated 30-5-75 was issued against the concerned workman Sri Sriharsha Roy, Store Keeper. The show cause which was submitted by him was found unsatisfactory and hence a domestic enquiry was held against him in which the Enquiry Officer found some of the charges proved and referred the enquiry report to the competent authority.

5. In another Reference Case i.e. Reference Case No. 103/80 a chargesheet dated 18-12-75 was issued against the concerned workman and pending enquiry he was put under suspension with effect from 11-12-75. The issue in Reference Case No. 103/80 is as to whether the action of the management in stopping the concerned workman from working that is whether his suspension pending enquiry is justified. The concerned workman was found guilty of this charge also and for both the charges he was dismissed with effect from 2-11-78 by the General Manager. The action of dismissal has been challenged in Reference No. 40/81.

6. The concerned workman in his written statement has denied both the charges and his main defence is that as he was an active member of the union the punishment of dismissal is unjustified and that the charges were not sufficiently proved against him. The fairness of the enquiry has also been challenged.

7. The question as to whether the enquiries regarding both the charges were fair and proper was taken up as a preliminary issue in this case and after hearing both the parties it was held by Order dated 21-6-1983 that the enquiries were fair and proper and thereafter the parties were heard on merits regarding the action taken by the management.

8. The point for consideration is as follows :—

(1) Whether the action of the management in stopping the concerned workman from work with effect from 11-12-75 is justified. If not, to what relief is he entitled.

(2) Whether the action of the management in dismissing the concerned workman with effect from 2-11-78 is justified. If not to what relief is he entitled.

9. I would first take up Issue No. (2) as the charges levelled against the concerned workman is more serious in this case and find out whether the charges have been proved sufficiently or not. This refers to Reference Case No. 40/81.

10. It is now well settled that the Tribunal has got power to appraised the entire evidence on the record and see whether the charges before the Enquiry Officer were sufficiently proved or not and then to see as to whether the charges were such as to inflict the extreme punishment of dismissal. Charges No. 310, 311 & 312 are as follows and is dated 30-5-75. The charges are that on 22-4-75 the concerned workman issued 2 ball bearings to Sri Gouri Shankar Singh, Mechanical Fitter without the signature of the controlling officer on the documentation card in violation of the standing instruction and that he made entry in the bin card about the issue of the material unauthorisedly in absence of the signature of the controlling officer and that such entry in the bin card was made on 23-4-75 after making issue of materials on 22-4-75. Another charge is that on enquiry 2 ball bearings were lying found surplus and the concerned workman passed over those 2 materials through rear window of the Assembly shop to Shri Gurupada Karmakar. Thus in short the charges are as follows :

- (1) The workman issued two bearings on 22-4-75 to Shri Gouri Shankar Singh without the signature of the controlling authority on the issue document that is documentation card.
- (2) Entered the same in the bin card on 23-4-75 after making the entry of the issue of 22-4-75.
- (3) On 4-5-75 he passed the 2 bearings which were found surplus through the rear window of the Assembly shop.

It may be mentioned that in the chargesheet Ext. M-2 the date of passing over is mentioned as 4-4-75 but that is apparently a typing mistake and it should have been 4-5-75.

11. It is first to be seen as to the allegation of passing over of the 2 ball bearings which would have been possible only when they were found to be surplus in the store. It may, however, be mentioned at this very stage that the 2 bearings in question were not lost to the management permanently but they are still here. On the point whether the 2 bearings were found surplus or not there is the evidence of Mr. Eden, Engineer, Sri Ramapada Mahato and Sri T. Mondal. Let us now scrutinise the evidence of these three witnesses which they gave during the enquiry proceedings to prove the said charge. It may, however, be stated that the Enquiry Officer in the enquiry report Ext. M-6 held that the charge of existence of the bearings in the store almirah on 4-5-75 is not proved because the statement of the Engineer Mr. Eden has not corroborated by the statement of PW Sri Ramapada Mahato, Store Clerk and other witnesses.

12. Mr. Eden the Engineer has stated in his evidence that on Sunday the 4-5-75 2 bearings in question were lying surplus in the store which were checked by Ramapada Mahato, Store Clerk and was confirmed by him to T. Mondal, Store-keeper who reported the matter to him on the same day. He then reported the matter to the Manager. Thus the surplus of the 2 bearings was not detected by Mr. Eden himself but it was detected by Sri Ramapada Mahato and it is not the evidence of Mr. Eden that he was present at that time. Shri Ramapada Mahato is Prosecution Witness No. 2. He has stated that on a Sunday Mr. Eden, Executive Enquiry went to the store and asked me as to whether there was any bearing in the store of the same size as of the bearings in question and on examining the bin card he observed that no bearing of that size was in the stock. Again when he was advised by Mr. Eden to see the locked almirah whether any bearing was purchased locally and then he unlocked the almirah and found 2 bearings lying there and that Mr. Eden was also present there and witnessed it. Thus according to this witness the 2 bearings were found in the almirah in the presence of Mr. Eden but Mr. Eden does not confirm it and

he denies his presence at that time. Thus the 2 witnesses have made conflicting statements regarding the question of surplus. The last witness is Shri T. Mondal on this point. He has stated that after physical checking Shri Ramapada Mahato told him that there were 2 bearings in the stock and he cannot say as to why these bearings were kept there without asking the Store Keeper Shri Roy. Thus his evidence is also not in consonance with the evidence of Mr. Eden or Shri Ramapada Mahato.

13. Further it will appear that Shri Roy the concerned workman was the Store Keeper and the key of the store or almirah in question is expected to remain with him. How could then Sri Ramapada Mahato procure the key and unlock the almirah? It is not in his evidence that the lock of the almirah was broken. The management naturally found this defect in the evidence of Shri Mahato and so he was again re-examined and at page 52 of the enquiry proceedings it will appear that Shri Mahato reported that he found the key kept in a box in the store. It is highly improbable that the Store Keeper who is in-charge of a big store, according to the General Manager, would leave the key of the Store in a box in the store premises itself uncared for. It should also be remembered that 4-5-75 was a Sunday and the concerned workman was not on duty on that date. This recovery is said to have been made in his presence. Now, if the management was to make an enquiry or make physical verification then this should have been done in presence of the concerned workman himself. Thus from the above evidence it is clearly shown that the question of finding 2 bearings as surplus in the almirah has not been proved by sufficient evidence and it cannot be held that the 2 bearings were found surplus there.

14. Now if there was no existence of any bearing in the almirah then the question of passing over by the rear window does not arise at all. However, let us consider the evidence and see whether the allegation of passing over has been proved with cogent evidence or not. Mr. Eden in his evidence has stated that on 5-5-75 he reported the matter of surplus to Shri R. K. Srivastava who deputed Shri N. K. Bouri and Shri N. C. Chatterjee to conduct the spot enquiry and a few minutes before they arrived at the store, the Store Keeper Shri Roy passed the bearings in question to Shri Gurupada Karmakar, Mechanical Fitter from the rear window of the Assembly Shop. This witness is naturally not an eye witness of this passing over. Shri Bijli Mallah is another witness in this case and he has stated that on that day the 2 bearings have been given to him by Shri Roy through the rear window and he was told by Shri Roy to hand over the bearings in question to Shri Gouri Shankar Singh who was present at the Assembly shop and accordingly he handed over the bearings to Gouri Shankar Singh. According to Mr. Eden the bearings had been passed to Shri G. Karmakar but Shri Bijli Mallah says it was made over to him. Another witness is Shri Ramapada Mahato who has stated that he cannot say to whom the bearings were handed over. Shri Haripada Mahato another witness on the point has also stated that he cannot say whether Shri Roy handed over these bearings to anybody or not. Shri Gouri Shankar Singh, however, has stated that he received the 2 bearings from Shri Bijli Mallah in the Assembly shop on 5-5-75 in the morning at about 9 p.m. and on enquiry Sri Bijli Mallah told him that they were given to him by Sri Roy. It may, however, be stated that there was also a preliminary enquiry held by Shri Gouri regarding this incident and Shri Gouri Shankar Singh had been examined there. His statement during preliminary enquiry is quite different from what he made during the domestic enquiry. During preliminary enquiry he admitted he had taken 2 bearings from Shri Roy on 22-4-75 for use as the matter was urgent and it was entered into the documentation card book but Mr. Eden refused to sign on it. He nowhere says that the 2 bearings had been made over to him subsequently by Sri Bijli Mallah. Shri Mallah, however, was not examined during enquiry stage. It may also be stated that along with the concerned workman Shri Gouri Shankar Singh and Shri Gurupada Karmakar had also been chargesheeted but they have been exonerated of the charges. It is quite clear that when both these persons were given the assurance of not being punished they made different statement before the Enquiry Officer. From the evidence of Enquiry Officer Shri Gouri also it will appear that before him some witness stated that the 2 bearings

were passed over before the enquiry was held by him and some stated that they were passed over after the enquiry was held. In view of these conflicting and contradictory statements it cannot be held that the concerned workman made attempt to pass over the bearings to a third person and this charge is also not proved satisfactorily.

15. The last charge is regarding the issue of ball bearings unauthorisedly. It is in evidence of the management witnesses during enquiry stage that there is no written standing instruction not to issue any material without the signature of the competent authority. Mr. Eden was the competent authority to make the signature. The documentation card would show that 2 bearings were issued by Shri Roy on 22-4-75 to Shri Gouri Shankar Singh and Shri Gouri Shankar Singh admittedly put his signature on the back portion of the said document. He admits to have received these 2 bearings from the concerned workman. The evidence of the concerned workman is that in case of emergency materials are issued and the signature of the controlling officer is taken subsequently. But in this particular case Mr. Eden refused to put his signature at the close of the day though the documentation card bears the signature of the Manager who is the highest authority in the mine. It is a matter of common experience that in emergent cases materials are issued without the signature of the competent authority and signature is obtained subsequently. If this procedure is not followed then there may be delay in issue of materials in emergent cases and the work may suffer. In this particular case such issue was also made by the concerned workman which is admitted by Shri Gouri Shankar Singh himself in the preliminary enquiry where Shri Gouri Shankar Singh also admitted that he asked Mr. Eden to sign but refused to do so. Shri Gouri Shankar Singh had also stated that the two bearings were required for fitting in some machine and they were fitted subsequently. Thus there is no evidence to show that there is any written standing instruction and as against it there is practice that materials are issued in emergent cases and are entered in documentation card form and thereafter at the end of the day it is signed by the Manager and other competent authority. The D. C. form had been signed by the Manager on 22-4-75.

16. The next question is as to why entry of these 2 bearings were made on 23-4-75 after the entry of materials issued on 22-4-75 in the bin card which is on record. For this there is an explanation of the concerned workman that in some cases materials are taken by the filter for use but if they are not required they are returned back and then entry is made in the bin card. In this particular case as the 2 bearings were not used they were returned back and so entry was made in the bin card on the subsequent date. The explanation seems to be plausible.

17. But even if the entire evidence of the management is believed on the point of issue of 2 materials, it can utmost be said that they were issued unauthorisedly by the concerned workman and the charge of issue of two bearings unauthorisedly is only proved against him. The other charges levelled against him are not proved at all.

18. Then let us take up the Issue No. (1) the charge in Reference Case No. 103/80. This relates to chargesheet No. 5325 dated 8-12-75. It is in evidence that the concerned workman was Store Keeper in Chinakuri Colliery and had been transferred to Sectalpur Colliery vide order dated 14-11-75 Ext. W-1. He had been directed to make over charge by 19-11-75. From Ext. W-4, however, it will appear that he was directed to remain present in the store in the afternoon of 24-11-75 as some official was to visit the store. The charge against the workman is that he was on duty on 30-11-75 and left the store at about 9 a. m. without any information and he had not completed the handing over charge of the store and had not handed over a few keys to his successor. The reply of the concerned workman is that he was on duty on 30-11-75 and did his office work upto 10 a.m. and thereafter he was checking and counting the outside store materials and so he was not noticed there. His further reply is that he had made over complete charge of the store on 30-11-75 except for few local purchase cash memos to be made over as the register was kept by Shri T. Mondal who was not available on Sunday. Thus according

to him he made over complete charge except making over certain vouchers etc. on 30-11-75. The question, however, is that whether there was wilful disobedience of the order of the competent authority or not regarding not making over full charge on 30-11-75 and leaving his duty without permission. The enquiry in this case was held on one day i.e., 24-12-75. Ext. M-14 is the enquiry proceeding and Ext. M-15 is the enquiry report. It is to be seen whether the concerned workman left his duty on 30-11-75 without permission or not. In this connection there is the evidence of Shri Ardhendu Shekhar Banerjee, Asstt. Store Keeper who was then working as a Store Keeper. He has stated that on 30-11-75 Shri Roy came on duty and he was in the office upto 9.30 a.m. and then he went outside the store compound with some one. According to him Shri Roy had handed over charge of inside store except a few cash memos and few challans and bills and some few other documents as also 2 number of keys. This witness nowhere says that he had left the office totally on Sunday. Shri Ramapada Mahato has stated that Shri Roy came to his duty on 30-11-75 and he found him there at about 10 a.m. but after that he could not notice whether he was present as he was busy at his work. Similar is the evidence of Shri Haripada Mahato who stated that he left the office at 12 noon and did not come in the second half. None of these witnesses have stated that the concerned workman had left the office without permission, rather his presence was noticed there at least till 10 a.m. The only question is that he did not make over charge of some cash memos etc. For that there is an explanation that the register was with the Asstt. Store Keeper who was not available on that day. Shri N. C. Chatterjee, Audit Clerk has stated that the handing over by Shri Roy to Sri Ardhendu Sekhar Banerjee was not completed because a few vouchers of local purchase and some other documents had not been made over. He has further stated that on 30-11-75 Shri Roy came to him and told him that he should tell Shri Mondal that he should hand over local purchase khata to Sri Banerjee and accordingly he informed Sri Banerjee and Sri T. Mondal about it. Thus from all the evidence recorded during enquiry stage it will appear that in fact the charge of important things had been made over by Shri Roy to his successor and only few registers were not handed over because the Clerk who was in possession of the same was not available.

19. Further even if it be conceded for the sake of argument that complete charge was not made over, still that was not a very serious offence. In fact from the transfer order it will appear that he was to make over charge on 19-11-75 but he was detained by the management till 24-11-75. There is no document to show that the concerned workman was directed to make complete charge by 30-11-75 failing which any disciplinary action was to be taken against him. It is a matter of common experience that in many cases delay is made in making over charges but that is not a very serious offence unless there is any specific instruction or direction for it saying that if no charge is made over by any particular date penal action will be taken. In this particular case the concerned workman has given a plausible explanation for not making over complete charge on 30-11-75.

20. It is however in evidence that the concerned workman joined his new post at Sectalpur Colliery on 1-12-75 and subsequently he came back to Chinakuri and made over complete charge vide Ext. W-2 and got released order from the Manager on 9-12-75 vide Ext. W-3.

21. The question, however, is as to whether for the charge of not making over complete charge the order of suspension pending enquiry is justified or not. It cannot be denied that under the standing order the management has got a right to suspend a workman pending enquiry and if such order had been passed it cannot be held to be illegal or unjustified.

22. Considering the evidence on record, I hold that the action of the management in putting the concerned workman under suspension pending enquiry is justified and the concerned workman is not entitled to any relief.

23. The next question is as to whether the order of dismissal can be held to be justified or not. From the evidence, however, it is proved that the concerned workman issued 2

bearings unauthorisedly and thus he committed some irregularities to the utmost. He did not misappropriate any property of the management. I think, for this act of irregularity the extreme punishment of dismissal is not justified and the concerned workman should have been given a lighter punishment even though he was in-charge of a big store as stated by the General Manager MW-3. There was no loss to the management. The concerned workman is in service of the management since 1945. There is nothing on record to show that he has a bad record of service. Under these circumstance, I hold that the order of dismissal is unjustified. As the concerned workman committed some irregularity, I think, the ends of justice will be met if he is reinstated in service with continuity but without any back wages. He should be reinstated within a month from the date of publication of the award and from that date he will be entitled to his full wages.

24. The award is given accordingly.

[No. L-19012(49) /79-D.IV(B)]
J. N. SINGH, Presiding Officer.

आदेश

नई दिल्ली, 30 दिसम्बर, 1983

का० आ० 370.—केन्द्रीय सरकार की राय है कि इससे उपायक घन्सूची में विनिविष्ट विषय के बारे में मैसर्स आर० बी० सेठ मूलचंद नेमीचंद (प्रा०) लिमिटेड, डाकघर मांडल, जिला भीलवाड़ा के प्रबंधतंत्र के अधीन भद्र खारिया माइक्रो माइक्रो में संबद्ध एक औद्योगिक विवाद नियोजित है और उनके कर्मकारों के बीच विवादात है;

और केन्द्रीय सरकार उक्त विवाद को न्याय-निर्णयन के लिए निर्देशित करना बांधनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री महेन्द्र भूषण शर्मा होंगे, जिनका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त अधिकरण को न्याय-निर्णयन के लिए निर्देशित करती है।

घन्सूची

“क्या मैसर्स आर० बी० सेठ मूलचंद नेमीचंद (प्रा०) लिमिटेड, डाकघर मांडल, जिला भीलवाड़ा की भद्र खारिया माइक्रो माइक्रो में संबद्ध एक औद्योगिक विवाद नियोजित है? यदि नहीं, तो उक्त कर्मकार किस अनुसूची का हकदार है?”

[संख्या एल-26012/23/83-टी-3 (बी)/टी-III(ए०)]
ए० बी० प० एस० शर्मा, डेस्क अधिकारी

ORDER

New Delhi, the 30th December, 1983

S.O. 370.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhadu Kharia Mica Mines under the management of M/s. R. B. Seth Moolchand Nemichand (P) Ltd., P. O. Mandal, District Bhilwara and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action by the management of Bhadu Kharia Mica Mines of M/s. R. B. Seth Moolchand Nemichand (P) Ltd., P. O. Mandal, District Bhilwara, in terminating the services of Shri Kishan Singh, Chowkidar with effect from 26-6-1982 is justified? If not, to what relief is the said workman entitled?”

[No. L-26012/23/83-D.III(B)/D.III(A)]

A. V. S. SARMA, Desk Officer

आदेश

नई दिल्ली, 12 जनवरी, 1984

का० आ० 371.—केन्द्रीय सरकार की राय है कि इससे उपायक घन्सूची में विनिविष्ट विषय के बारे में मद्रास स्वेडोर्स प्रोसेप्शन मद्रास के प्रबंधतंत्र से संबद्ध एक औद्योगिक विवाद नियोजित है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांधनीय समझती है;

अतः केन्द्रीय सरकार औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी अरुलराज होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्याय-निर्णयन के लिए निर्देशित करती है।

घन्सूची

“क्या मद्रास स्वेडोर्स प्रोसेप्शन, मद्रास के प्रबंधतंत्र की सामान्य प्रयोजन मजदूर टोकन संख्या 310 श्री एस० वीरापन को 9-6-1983 से बरखास्त करने की कार्रवाई न्यायोचित है? यदि नहीं तो संवैधित कर्मकार किस अनुसूची का हकदार है?”

[संख्या एल-33012/3/83-टी-4(ए)]
एस० एस० पराशर, डेस्क अधिकारी

ORDER

New Delhi, the 12th January, 1984

S.O. 371.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Madras Stevedores Association, Madras and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Arulraj shall be the Presiding Officer with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Madras Stevedores Association, Madras in dismissing Shri S. Veerappan, General Purpose Mazdoor Token No. 310, from service with effect from 9th June, 1983, is justified? If not, to what relief is the workman concerned entitled?”

[No. L-33012/3/83-D.IV(A)]

New Delhi, the 19th January, 1984

S.O. 372.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial

dispute between the employers in relation to Shri Hazim M. Shaikh, Launch Owner, Goa and their workmen, which was received by the Central Government on the 11th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/31 of 1983

Employers in relation to Shri Hazim M. Shaikh, Launch Owner,

AND
Their Workmen

APPEARANCES :

For the Employers—No appearance.
For the workmen—No appearance.

INDUSTRY : Major Ports **STATE :** Goa, Daman and Diu
Bombay, dated the 3rd December, 1983

AWARD

By their order No. L-36011/1/83-D.IV(A) dated 25th August, 1983 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act.

“Whether the action of Shri Hazim M. Shaikh, Launch Owner in terminating the services of S/Shri Rama-chandra Chodenkar, Tatta Kaluskar, Dyneshwar Chopdekar and Daftri Chopdekar with effect from 6th April, 1982 is justified? If not, to what relief the said workmen are entitled to?”

2. On receipt of the order of reference notices were issued to the parties, but no notice could be served on the management as the notice was returned as their address is not known. So far as the workmen are concerned although the notice was duly served on the Secretary of the Union representing these workmen there is no appearance on their behalf nor any statement of claim has been filed as a result of which the dispute cannot survive and hence disposed of.

M. A. DESHPANDE, Presiding Officer
[No. L-36011/1/83-D.IV(A)]

S.O. 373.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. II, Bombay in the industrial dispute between the employers in relation to Shri Shaikh Shafi Hasan, owner of Launch ‘ML Sarina’, Goa and their workmen, which was received by the Central Government on the 11th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/25 of 1983

Employers in relation to the Shaikh Shafi Hasan, Owner of Launch ‘ML Sarina’

AND
Their workmen.

APPEARANCES :

For the Employers—Shri Mohammed Shafi, Partner.
For the Workmen—No appearance.

INDUSTRY : Ports and Docks **STATE :** Goa, Daman and Diu.

Bombay, the 3rd December, 1983

AWARD

By Order No. L-36011/4/83-D.IV(A) dated 18-8-1983 the following dispute has been referred under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication :—

“Whether the action of Shri Shaikh Shafi Hasan, Owner of Launch ‘ML Sarina’ in terminating the services of S/Shri Ganesh Kaskar and Laxman Kolusker w.e.f. 6-4-1982 is justified? If not, to what relief the said workmen are entitled?”

2. It relates to termination of services of two workmen but when the notices were issued neither the workmen nor

the Union remained present nor any statement of claim has been filed on their behalf. Against this the employer is present and says that he has paid the amount due to the workmen and they accepted the same in full and final settlement of the claim leaving no dispute. He has also filed Zerox Copies of the writing executed by the two workmen. No dispute can therefore survive and therefore disposed of.

No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. L-36011/83-D.IV(A)]

S.O. 374.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to Shri Rajaram Karapurkar Owner of Launch, Ml. Mataprasad, Goa and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/32 of 1983

PARTIES :

Employers in relation Shri Rajaram Karapurkar, Owner of Launch ‘ML Mataprasad’.

AND
Their Workmen

APPEARANCES :

For the Employers—Shri Shambhu Vishnu Karapurkar Partner.

For the Workmen—No appearance

INDUSTRY : Posts and Docks **STATE :** Goa, Daman and Diu.

Bombay, the 3rd December, 1983

AWARD

By Order No. L-36011/7/83-D.IV(A) dated 25-8-1983 the Government of India, Ministry of Labour and Rehabilitation (Department of Labour) referred the following dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication :—

“Whether the action of Shri Rajaram Karapurkar, Owner of Launch ‘ML Mataprasad’ in terminating the services of S/Shri Laxman Parab, Ramdas Pandel, Pandari Sawant, Chandrakant Tari, Pundalik Sawant, Kalidas Tandel, Clement Fernandes and Kashinath Parab w.e.f. 6-4-1983 is justified? If not, to what relief the said 8 workmen are entitled?”

2. Even on service of the notice there is no appearance on behalf of the workmen nor any statement of claim has been filed in support against which the employer has appeared and has stated on oath that all these employees have accepted the dues in full and final settlement of their claim and have executed receipts which have been brought on record. In view of these arrangements and acceptance of payment, the dispute can no longer survive and that might be reason the employees or the Union is no longer interested in prosecuting the matter further.

3. Award Accordingly.

No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. L-36011/7/83-D.IV(A)]

New Delhi, the 20th January, 1984

S.O. 375.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. II, Bombay, in the industrial dispute between the employers in relation to Messrs. Casa Pracaza, Owner of Launch ‘ML Rajas’, Goa and their workmen, which was received by the Central Government on 10th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/33 of 1983

PARTIES :

Employers in relation to M/s. Casa Pracaza Owner of
Launch ML Rajas.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri P. R. Arolkar, Partner.

For the Workmen—No appearance.

STATE : Goa, Daman and Diu

INDUSTRY : Posts
and Docks

Bombay, the 3rd December, 1983

AWARD

By their order No. L-36011/5/83-D.IV(A) dated 24-8-1983
the following dispute has been referred under Section 10(1)
(d) of the Industrial Disputes Act, 1947 for adjudication :—

"Whether the action of M/s. Casa Pracaza, Owner of
Launch 'ML Rajas' in terminating the services of
S/Shri Rama Dhawada, Suresh Naik, Yeshwant Mal-
vankar, Dilip Shiva Tikam, Ramchandra Pagi, Naray-
an, R. Koluskar, Pandurang Naik and Shambu
Naik, Launch crew w.e.f. 6-4-1982 is justified ?
If not, to what relief the said workmen are ent-
itled to ?"

2. Although the notices were issued to the workmen and the management neither party filed statement of claim/written statement but on the day the matter was fixed for hearing Shri P. R. Arolkar, partner appeared and was examined in the course of which examination he has stated that the matter in relation to S/Shri Suresh Naik, Yeshwant Malvankar, Dilip S. Tikam, Ramchandra Shanu Pangi, Narayan Raghunath Kaluskar, Pandurang Naik and Shambu Naik was settled, and these employees accepted the dues in full and final settlement and examined receipts which have been produced on record, thereby closing the chapter. The only employee who remained was Rama Dhawad, first in the list, the witness says that because his whereabouts are not known and as he has not accepted the dues the same remained to be paid. When the first mentioned employees accepted their dues in full and final settlement, their dispute can no longer survive. Only the case of the last mentioned employee remains and it is not known what are his years of service, whether he has fulfilled the provisions of Section 25F and similar provisions of the Industrial Disputes Act, he having remained absent and having not filed the statement of claim his dispute cannot also survive and must be disposed of.

Since he was offered a sum of Rs. 2351.83 that offer shall still stand and as and when Shri Rama Dhawade or the legal representative wants to collect the dues then the employer shall make the payment and obtain receipt in writing in execution of the present award. This much relief is possible and nothing more.

Award Accordingly, No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. L-36011/5/83-D.IV(A)]

S.O. 376.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to Shri Bhagwan Parab, Owner of Launch, 'ML Vijaya Laxmi' and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/27 of 1983

Employers in relation to Shri Bhagwan Parab, Owner
of Launch 'ML Vijaya Laxmi'.AND
Their Workmen.

APPEARANCES :

For the Employers—No appearance.

For the Workmen—No appearance.

INDUSTRY : Ports and Docks

STATE : Goa, Daman
and Diu.

Bombay, the 3rd December, 1983

AWARD

By Order No. L-36011(2)/83-D.IV(A) dated 17/24-8-1983
the following dispute has been referred under Section 10(1)(d)
of the Industrial Disputes Act, 1947 for adjudication :—

"Whether the action of Shri Bhagwan Parab, Owner of
Launch 'ML Vijaya Laxmi' in terminating the
services of S/Shri Dilip Kerkar and Rohidas Pedne-
kar w.e.f. 6-4-1982 is justified ? If not, to what
relief the said workmen are entitled to ?"

2. Though the reference is relating to termination of
services of two workmen who are represented by the Union
on service of notice neither the Union or any of the work-
men has appeared nor there is any statement of claim filed
and the same is the case of the management. The reference
is therefore disposed of for want of prosecution.

No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. L-36011/2/83-D.IV(A)]

S.O. 377.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to Shri Raghuvir Fadte, Owner of Launch, 'ML Shri Manguesh' Goa, and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/26 of 1983

Employers in relation to Shri Raghuvir Fadte, Owner
of Launch 'ML Shri Manguesh'.AND
Their Workmen.

APPEARANCES :

For the Employers—Shri Raghuvir Fadte, Owner

For the Workmen—No appearance.

INDUSTRY : Ports and Docks

STATE : Goa, Daman
and Diu.

Bombay, the 3rd December, 1983

AWARD

By Order No. L-36011/6/83-D.IV(A) dated 24th August,
1983 the following dispute has been referred under Section
10(1)(d) of the Industrial Disputes Act, 1947 for adjudication :—

"Whether the action of Shri Raghuvir Fadte, Owner of
Launch 'ML Shree Manguesh' in terminating the
services of S/Shri Vitthal Miyavtar, Chandrakant
Parab and Chandrakant w.e.f. 6-4-1982 is justified ?
If not to what relief the said workmen are entitled ?"

2. The reference relates to termination of services of three
workmen, but although notices were issued neither the
Union nor the workmen remained present nor do they file
statement of claim against which though no written state-
ment has been filed on behalf of the management the
employer is present and does not admit the claim. In the
light of the circumstances the reference is disposed of. No
order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. L-36011/6/83-D.IV(A)]
S. S. PRASHER, Desk Officer

नई दिल्ली, 21 जनवरी, 1984

का०प्रा० 378.—केन्द्रीय सरकार का यह प्रतीत होता है कि मैरां में इन्फ्रेंटिक इंजिनियरिंग कम्पनी प्राइवेट लिमिटेड, राजस्टडे आफिल 203, नेहरू नार्सिं, 85, नेहरू नार्सिं, नई फिर्म-19 और उमरी वांच डॉ बी एम इंजिनियरिंग सेटर रहेजा लाउस, 213 नार्मन एडवर्ट ब्रस्ट-400021 नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहु-संख्या हम बात पर नहम हो गई है कि कर्मचारी भवित्व निधि और प्रकार्ण उपचार प्रधिनियम, 1952 (1952 का 19) के उपचार उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त प्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त प्रधिनियम के उपचार उक्त स्थापन को लागू करती है।

[रक्षा ए०-35019(401)/83-पी०प०-11]

New Delhi, the 21st January, 1984

S.O. 378.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Infratec Engineering Company Private Limited, Registered Office: 203, Skyline, 85, Nehru Place, New Delhi-110019 including its branch at D.B.S. Executive Centre Raheja House, 213 Nariman Point, Bombay-400021 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(401)/83-PI. II]

नई दिल्ली, 20 जनवरी, 1984

का०प्रा० 379.—केन्द्रीय सरकार का यह प्रतीत होता है कि मैरां राजापुर तालुका जनता सहकारी बैंक लिमिटेड, 1, नवयोजना भवन, नियर डायना सीनेमा, बम्बई-34 और हमका आशा कार्यालय प्रागा यान विल्डिंग, पहिला माला सो बी डा ई मार्जे रोड, जैकव सर्कार, बम्बई-11, नामक व्यापार के स्वाक्षर नियोजक और कर्मचारियों द्वारा संख्या इम बात पर नहम हो गई है कि कर्मचारी भवित्व निधि और प्रकार्ण उपचार प्रधिनियम, 1952 (1952 का 19) के उपचार उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त प्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त प्रधिनियम के उपचार उक्त स्थापन को लागू करती है।

[रक्षा ए०-35018(2)/84-पी०प०-11]

New Delhi, the 20th January, 1984

S.O. 379.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Rajapur Taluka Janata Sahakari Bank Ltd., 4, Navayojana Sadan, Near Diana Cinema, Bombay-34 including its branch office at Agakhan Building, 1st Floor, Dr. E Moses Road, Jacob Circle, Bombay-11, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35018(2)/84-PI. II]

का०प्रा० 380.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैरां ईस्टन एक्सप्रोविन्यूल ए०ड कैमिकल्स लिमिटेड, लाबन्यानिकेन्टन, प्राना-ब्रान्टन्डा पल्ली, (लाल कुमारी पारा) पी० शूरी-731101 बीरभूम ईस्ट, (बैंग बगल) और हमका बार्यालिय प्लैट 1बी, गीलाजली, बींवी, मिडलटन स्ट्रीट, कलकत्ता-700071 में स्थित, मानक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहु-संख्या हम बात पर नहम हो गई है कि कर्मचारी भवित्व निधि और प्रकार्ण उपचार प्रधिनियम, 1952 (1952 का 19) के उपचार उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त प्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त प्रधिनियम के उपचार उक्त स्थापन को लागू करती है।

[म० प०-35017(1)/84-पी०प०-11]

ए०क० भट्टाराई, अवर अधिक

S.O. 380.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Eastern Explosive ABD Chemicals Ltd., Labanya Nikentan, Pranabnanda Palli, (Lukuthipara), P.O. Suri-731101, Birbhum District (West Bengal) and its Office at Flat 1B, Geetanjali 8B, Middleton Street, Calcutta-71 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(1)/84-PI. II]
A. K. BHATTARAI, Under Secy.

आदेश

नई दिल्ली, 29 नवम्बर, 1983

का०प्रा० 381.—केन्द्रीय सरकार की धारा है कि हमसे उपचार अनुसूची में विनिर्दिष्ट विषय के बारे में मद्रास प्रश्नोत्तरियम कम्पनी लिमिटेड के प्रबन्धनव सम्बद्ध एक आशांगिक विवाद नियोजकों द्वारा उक्त कर्मकारों के बीच विद्यमान है।

आप केन्द्रीय सरकार उक्त विवाद को स्थायनियन्त्रण के लिए नियोजित करना चाहीय भविष्यती है;

अतः केन्द्रीय सरकार, आशांगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खेद (अ) धारा प्रश्न शक्तियों का प्रयोग करते हुए, एक आशांगिक अधिकारण गठित करती है जिसके पाइयामीत अधिकारी श्री दीप ग्रन्तराज होंगे, जिसका मुख्यालय मद्रास में होंगा और उक्त विवाद को उक्त अधिकारण का न्याय नियंत्रण के लिए नियंत्रित करती है।

अनुमूल्य

“क्या मद्रास प्रश्नोत्तरियम कम्पनी लिमिटेड, मैट्टर ईम डाकघर, जिला मेलम, नमिलनाडु के प्रबन्धनव को श्री ए० सेशकटियाल, आप कर्मकार, जो उक्ती शोवाराय बाल्मीकी मालाम, ब्रेकाड, जिला सेलम भे नियंत्रित है, श्री 13-7-1982 से मेवा से निकालने की कार्रवाई ल्यायेंचित है? यदि नहीं, तो संघीय कर्मकार किस अनुशास का हकदार है?”

[संख्या ए०-43012/16/83-ड-३(सं.)]

ORDER

New Delhi, the 29th November, 1983

S.O. 381.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Madras Aluminium Company

Ltd. and their workman in respect of the matters specified in the Schedule hereto annexed :

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Arulraj shall be the Presiding Officer with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of Madras Aluminium Co. Ltd., Mettur Dam, Post Office, District Salem, Tamil Nadu, in removing Shri A. Sebastian, Mine Workers employed in their Shevaroy Bauxite Mines Yercaud, District Salem from service with effect from 13-7-82, is justified ? If not, to what relief is the workman concerned entitled ?"

[No. L-43012(16)/83-D.III(B)]

आदेश

नई दिल्ली, 23 दिसम्बर, 1983

का० प्रा० 382.—केन्द्रीय सरकार की गय है कि इसमें उपावद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में आन्ध्र प्रदेश मार्टिनिंग कार्गो रेसन, मानगमपेट बैराहटम माइन, मानगमपेट के प्रबन्धतंत्र में संबद्ध एवं आंशिक विवाद नियंत्रकों और उनके कर्मकारों के बीच विचारात है ;

श्री केन्द्रीय सरकार उक्त विवाद को न्याय-निर्णयन के लिए निर्देशित करना चाहतीय समझती है;

अतः, केन्द्रीय सरकार, आंशिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के खण्ड (प्र) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक आंशिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एम० श्री निशामा राव होंगे, जिनका मुख्यालय हैदरगाबाद में है और उक्त विवाद को उक्त अधिकरण को न्याय-निर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या आन्ध्र प्रदेश मार्टिनिंग कार्गो रेसन लिमिटेड का प्रबन्धतंत्र उत्तरती दर पर काम करने वाले व्यक्तियों की दरों में वृद्धि को स्वीकार न करने में व्यापारित है ? यदि नहीं, तो संबंधित कर्मकार नियंत्रकों के हकदार हैं ?

[संख्या एस-29012/42/83-डी-3(बी)]

ORDER

New Delhi, the 22nd December, 1983

S.O. 382.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Management of Andhra Pradesh Mining Corporation, Mangampet Barytes Mines, Mangampet and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Srinivasa Rao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the management of Andhra Pradesh Mining Corporation Ltd. are justified in not agreeing to

enhance the rates of piece-rated workers. If not, to what relief are the workmen concerned entitled ?”

[No. L-29012/42/83-D.III(B)]

आदेश

नई दिल्ली, 6 दिसम्बर, 1983

का० प्रा० 383.—केन्द्रीय सरकार की गय है कि इसमें उपावद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में स्वील शमाइनी और इंडिया लिमिटेड के दुर्गापुर स्वील प्लाट के बीलारी अपर्क बाजान ने संबद्ध एक आंशिक विवाद नियंत्रकों और उनके कर्मकारों के बीच विचारात है ;

श्री केन्द्रीय सरकार उक्त विवाद को न्याय-निर्णयन के लिए निर्देशित करना चाहतीय समझती है;

अतः, केन्द्रीय सरकार, आंशिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के खण्ड (प्र) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक आंशिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री जै. एम० मोहनपत्रा होंगे, जिनका मुख्यालय भुवनेश्वर में है और उक्त विवाद को उक्त अधिकरण को न्याय-निर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या स्टील प्रथासिटी आर्ट इंडिया लिमिटेड, के दुर्गापुर स्वील प्लाट के बीलारी अपर्क बाजान, बीलारी के प्रबन्धतंत्र के श्री कलेवा सोहन मोहनला, टाइफिस्ट-कलके, भण्डार-पांडुंगय विभाग, को 8 अक्टूबर, 1982 से बर्बाद करने की कार्यवाही न्यायान्वित है ? यदि नहीं, तो संबंधित कर्मकार विस अनुसूची का हकदार है ?

[संख्या एस-26012/4/83-डी-3(बी)]

ORDER

New Delhi, the 6th December, 1983

S.O. 383.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bolani Ore Mines of Durgapur Steel Plant of SAIL, and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri J. M. Mohapatra shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of Bolani Ore Mines of Durgapur Steel Plant of SAIL, Bolani in dismissing Shri Kshetra Mohan Mohanta, Typist-cum-Clerk, Stores and Purchase Department, with effect from 8th October, 1982 is justified ? If not, to what relief is the workmen concerned entitled ?

[No. L-26012(1)/83-D.III(B)]

आदेश

नई दिल्ली, 19 दिसम्बर, 1983

का० प्रा० 384.—केन्द्रीय सरकार की गय है कि इसमें उपावद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में कैसे मिर्जानी कालियरिज करनी लिमिटेड, गोदावरी बाजानों के प्रबन्धतंत्र से संबद्ध एक आंशिक विवाद नियंत्रकों और उनके कर्मकारों के बीच विचारात है ;

श्री केन्द्रीय सरकार उक्त विवाद को न्याय-निर्णयन करना चाहतीय समझती है।

अतः केन्द्रीय सरकार श्रीआंगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 7-के आंग धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक श्रीआंगिक अधिकरण गठित करनी है, जिसके पीठासीन अधिकारी श्री एम० श्रीनिवासा राव होंगे, जिनका मुख्यालय हैरागढ़ाद में होगा और उसके विवाद को उसके अधिकरण को व्याय-निर्णयन के लिए निर्देशित करनी है।

अनुसूची

“क्या मेसर्स मिश्रेनी कोलियर्ज कंपनी निः, गमागृहम चिर्चाजन-II डाकघर, गोदावरीज्ञानी, जिया करीमनगर (आंध्र प्रदेश) के प्रबंधन की श्री आर गटेड्हा ट्रैमर के रोप स्ट्राइपर के लिए में पदार्थन पर विवाद न करने की कार्यवाची व्यायामित है? यदि नहीं, तो मव्रित्ति कर्मकार किस अनुत्तोष का हकदार है और किस नाशीक में?”

[मंद्या प्र-22011/114/82-डी-III(बो)]

ORDER

New Delhi, the 19th December, 1983

S.O. 384.—Whereas the Central Government is of opinion that an industrial dispute between the employers in relation to the 'Messrs Singareni Collieries Co. Ltd., Godavarikhani and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Srinivasa Rao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the management of Messrs Singareni Collieries Co. Ltd., Ramagundam Division II, P.O. Godavarikhani, District Karimnagar (A.P.) are justified in not considering Shri Arc Gattaiah, Trammer, for promotion as Rope Splicer? If not, to what relief is the workman concerned entitled and from what date?”

[No. L-22011/114/82-D.III(B)]

प्रादेश

नई ईल्यर्न, 6 जनवरी, 1984

का० प्रा० ३४५.—केन्द्रीय सरकार की गय है कि इसमें उपायद्वारा अनुसूची में विनियोग विवाद के बारे में मेसर्स मिश्रेनी कोलियर्ज कंपनी लिमिटेड, श्रीआंगडम के प्रबंधनतंत्र में मध्ये एक श्रीआंगिक विवाद नियोजकों और उसके कर्मकारों के बीच विद्यमान है।

अंग केन्द्रीय सरकार उसके विवाद को व्याय-निर्णयन के लिए निर्देशित करता वांछनीय ममता है;

अतः केन्द्रीय सरकार, श्रीआंगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 7-के आंग धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक श्रीआंगिक अधिकरण गठित करनी है, जिसके पीठासीन अधिकारी श्री एम० श्रीनिवासा राव होंगे, जिनका मुख्यालय हैरागढ़ाद में होगा और उसके विवाद को उसके अधिकरण को व्याय-निर्णयन के लिए निर्देशित करनी है।

अनुसूची

“क्या मेसर्स मिश्रेनी कोलियर्ज कंपनी नियोजित, फ़ाशनगृहम का प्रबंधन श्री श्रीवर्षी मासम, लाहौरमैन न० ५ हस्तकाहत, बोंदों शनि-प्रिया चैनल वृद्धिया न देने में व्यायामित है? यदि नहीं, तो मव्रित्ति कर्मकार किस अनुत्तोष का हकदार है?”

[मंद्या प्र-22012/113/83-डी-III(बो)]

नद लाल, ग्रवर मन्त्रि

ORDER

New Delhi, the 6th January, 1984

S.O. 385.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Singareni Collieries Company Limited, Kothagudum and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Srinivasa Rao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the management of Messrs Singareni Collieries Company Limited, Kothagudum are justified in refusing grant of two extra increments to Shri Ch. Moses, Lineman, No. 5, Incline. If not, to what relief is the workman concerned entitled?”

[No. L-22012/113/83-D.III(B)]

NAND LAL, Under Secy.

New Delhi, the 27th January, 1984

S.O. 386.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh, in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE SHRI I.P. VASISHT, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL,
CHANDIGARH.

Case No. I.D. 112/83-103 of 1981

PARTIES

Employers in relation to the management of the Bank of India, Jullundur.

AND

Their Workman K.K. Kaushal.

APPEARANCES :

For the Employers: Shri Mangal Singh

For the Workman: Shri K. S. Thakar with the Workman.

INDUSTRY : Banking

STATE : Punjab

AWARD

Dated, the 5th January, 1984

The Central Govt., Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the Industrial Disputes Act, 1947 vide their Order No. I-12012/10/81-D.II(A) dated the 30th July, 1981, read with S.O. No. S. 11025(2)/83 dated the 8th of June 1983 referred the following Industrial dispute to this Tribunal for adjudication:—

“Whether the action of the management of Bank of India in transferring second time within 4 months, Shri K.K. Kaushal, Clerk-Typist from Phagwara Branch to Jullundur Branch in July, 1979 is justified? If not, to what relief the said workman is entitled to?”

2. Today when the case came up for hearing the parties reported a compromise. Accordingly, their statements were taken down on records. On perusing the same and hearing the parties, I feel satisfied that the terms and conditions

of the 'Settlement' are fair to both of them, and in particular to the workman because in full and final settlement of this claim, he will get a lump-sum amount of Rs.750/-only (Seven hundred fifty) inclusive of the transportation charges without any or deal of submitting formal bills.

3. I, accordingly, direct the respondent[Management] to pay the aforesaid amount of Rs. 750 to the petitioner/workman and thus return a No-dispute Award.

Chandigarh,

Dated : 5-1-84.

I. P. VASISHTH, Presiding Officer
[No. L-12012/10/81-D II(A)]

S.O. 387.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 10-1-84.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CHANDIGARH.

Case No. I.D. 139/83

PARTIES:

Employers in relation to the management of the Bank of India.

AND

Their Workman—Rakesh Kumar Soni.

APPEARANCES :

For the Employers—Shri Mangal Singh
For the Workman—Shri M. L. Basu.

INDUSTRY : Bank of India STATE : Punjab

AWARD

Dated, the 3rd January, 1984

The Central Govt., Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947 vide their Order No. L-12012/265/82-D. II (A) dated the 30th of May 1983 referred the following Industrial Dispute to this Tribunal for adjudication:

"Whether the action of the management of Bank of India in relation to its Machhiwara Branch, Distt. Ludhiana in terminating Shri Rakesh Kumar Soni, Peon, from service with effect from 9-9-81 is justified? If not, to what relief is the workman concerned entitled?"

2. Today when the case came up for hearing, the parties filed a Deed of Settlement per Ex. C1, revealing "inter-alia" that on private negotiation they have sorted out their differences and, as such, the respondent[Management] have agreed to give fresh appointment, on regular and permanent basis, to the petitioner workman with immediate effect. Of course, meanwhile he will get himself medically examined from the Banks' authorised/Medical Attendant. In lieu thereof, the petitioner/workman has given up his claim of reinstatement and back wages.

3. On perusing the Deed of Settlement and hearing the parties, I feel satisfied that the terms and conditions thereof are fair to the workman, because it ensures him a regular and permanent source of livelihood and employment without any strains of litigation. Similarly, it also absolves the Bank from the payment of back wages.

4. I accordingly, return a No dispute Award.
Dated : 3-1-84.

I. P. VASISHTH, Presiding Officer
[No. L-12012/265/82-D.II(A)]

S.O. 388.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the Industrial dispute between the employers in relation to the management of Chartered Bank and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL, CHANDIGARH.

Case No. I. D. 124/83 (N. Delhi); 36/83 (HO)

PARTIES :

Employers in relation to the management of the Chartered Bank, Gandhi Bazar, Amritsar

AND

Their Workman—Dev Raj Kohli

APPEARANCES :

For the Employers : Shri M.L. Seini

For the Workman : Workman in Person

INDUSTRY : Banking

STATE : Punjab

AWARD

Dated, the 4th January, 1984

The Central Govt., Ministry of Labour, in exercise of the powers conferred on them under section 10(1)(d) of the Industrial Disputes Act 1947, vide their Order No. L-12012 (307)/81-D. II (A) dated the 29th of July, 1982 read with S.O. No. S-11025(2)/83 dated the 8th of June, 1983 referred the following Industrial Dispute to this Tribunal for adjudication ;

"Whether the action of the management of Chartered Bank, Gandhi Bazar, Amritsar, in dismissing Shri Dev Raj Kohli, Clerk from service from 13-10-1979 is justified? If not, to what relief is the Workman concerned entitled?"

2. Today when the case came up for hearing, parties reported a compromise and filed memorandum of settlement Ex. C 1 containing the details thereof. I have also recorded the statement of the petitioner/Workman which has been endorsed by the learned representative of the Bank-management.

3. On having perused the records and hearing the parties, I feel satisfied that the settlement is fair to both of them ; to the petitioner/Workman in particular, because in full and final settlement of his disputed claim he gets a lump-sum payment of Rs. 1,26,916/- only (One lack, twenty six thousand nine hundred and sixteen). Of course may advances drawn and statutory or contractual liabilities incurred by him, would be adjudicate therein and he would not be entitled for any other relief against the management, but all the same is disengagement by them does not carry any stigma and as such, he can seek fresh employment elsewhere, in view of his experience and it goes without saying that he has still a long way to go in his career, since he is only 43 at this stage.

4. Accordingly, I allow the compromise and in the light of the Memorandum of Settlement Ex. C1, which shall be deemed to be a part of my verdict, return a No dispute Award.

Chandigarh,

Dated : 4-1-1983.

SETTLEMENT UNDER SECTION 18(1) OF THE INDUSTRIAL DISPUTES ACT, 1947 BETWEEN SHRI DEV RAJ KOHLI S/O SHRI CHUNILAL AND THE MANAGEMENT OF MESSRS CHARTERED BANK, AMRITSAR

Representing Management—Shri S. K. Mitra, Manager.
Representing workman—Shri Dev Raj Kohli S/o Shri Chunilal Kohli.

Short Recital of the Case

Where Shri Dev Raj Kohli joined service as clerk on 16th December, 1958 and was placed under suspension vide order dated 23rd February, 1976.

Whereas he was convicted by the Judicial Magistrate Amritsar and he was dismissed from service vide letter dated 16th October, 1979. Shri Dev Raj filed appeal against the Judgment of the Judicial Magistrate and was acquitted by the Addl. Session Judge, Amritsar. The State of Punjab have already filed appeal in the Punjab and Haryana High Court against the Judgment of the Addl. Session Judge, Amritsar.

Whereas Shri Dev Raj Kohli got reference made before the Central Industrial Tribunal, claiming reinstatement with back wages and the matter is pending before the Central Industrial Tribunal, Chandigarh. Both the parties out of their free will, after mutual discussions have arrived at settlement as per the terms given below :

Terms of Settlement

It is agreed between the parties as under :

1. That the management have agreed to pay and Shri Dev Raj Kohli has agreed to receive a sum of Rs. 1,26,916—(Rupees one lakh twenty six thousand nine hundred and sixteen only) in full and final settlement of all his claims and dues including all service benefits (inclusive of gratuity etc.) in whatever name these are called and all benefits accrued to him in terms of any contract, agreement, settlement, award or under any law, and in lieu of claim of reinstatement for the period from the date of suspension to date, as Shri Dev Raj Kohli has agreed to give up his claim of reinstatement and re-employment.
2. It is expressly agreed that the amount payable as per Clause 1 above would be paid after deduction of all taxes as are required to be deducted in law and only the balance after such deductions will be paid to Dev Raj Kohli subject to Clause (4) below. In the event of Mr. Dev Raj Kohli having produced written clearance from Income-tax authorities for deduction of tax at lower rate or nil rate before 31st March, 1984, the Bank would act on such clearance.
3. That all dues recoverable from Sh. Dev Raj Kohli, amounting to Rs. 26,916—(Rupees twenty six thousand nine hundred and sixteey only) stand adjusted from the aforesaid amount, and the net amount payable to him amounts to Rs. 1,00,000 (Rupees one lakh) subject to deduction as per Clause (4) below.
4. That it is further agreed that the Insurance premium paid or payable by the Bank upto 31st March, 1984 in respect of his LIC Policies and Fire Insurance Policy, which are assigned to the Bank or otherwise, shall be deducted from the net amount of Rs. 1,00,000—(Rupees one lakh only) as mentioned in Clause 3 above and the balance shall be paid subject to Clause 2 above.
5. That Shri Dev Raj Kohli gives up his right to reinstatement, and other claim made in the reference pending before the Central Industrial Tribunal. Both the parties will make statement before the Central Industrial Tribunal, to dispose off his reference in terms of this settlement.
6. That now there remains no dispute or claim between the parties, and none of the party shall be entitled to make any claim or dispute against each other henceforth, before any authority or court.

Dated : 15th December, 1983.

Signature of Workman
Dev Raj Kohli

Signature of management
S. K. Mitra, Manager,
The Chartered Bank, Amritsar

Witness : 1.

B. N. Malhotra,
Staff Officer,
The Chartered Bank,
Amritsar.

Witness : 2.

V. N. Chhibber,
President,
The Chartered Bank Employees' Union,
(Regd.), Amritsar.

I. P. VASISHTH, Presiding Officer
[No. 1-12012/307/81-D.II(A)]

S.O. 389.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. 1D. 193/81 N.D.; 94 of 1983 CHD.

PARTIES :

Employers in relation to the management of State Bank of India, Chandigarh.

AND

Their Workman—Megh Shyam

APPEARANCES :

For the Employers—Shri V. K. Gupta.

For the Workman—Shri N. L. Goyal with the workman.

INDUSTRY : Banking

STATE : Chandigarh.

AWARD

Dated, the 5th January, 1984

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide their Order No. 12012/109/81-D.II(A) dated the 19th December, 1981 read with S.O. No. S-11025(2)/83 dated the 8th of June, 1983 referred the following Industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of the State Bank of India in relation to Region-I, Chandigarh in terminating the services of Shri Megh Shyam, Sub-staff with effect from 30th September, 1972 is justified? If not, to what relief is the workman concerned entitled?”

2. Today when the case came up for hearing, the parties reported a compromise which has since been taken down by me on the records. On having perused the same and hearing them, I feel satisfied regarding its fairness because irrespective of the merits of the Workman's claim, it ensures him a favourable consideration for fresh appointment by virtue of the enabling provisions of Section 25-H of the Industrial Disputes Act, 1947, he shall be called for interview in the usual manner and on its own merits his case for appointment and permanent absorption in the Bank would be considered sympathetically. Of course he would not be entitled for any back wages in view of the fresh recruitment.

3. Accordingly, I, hereby, return a No dispute Award.

I. P. VASISHTH, Presiding Officer
[No. L-12012/109/81-D.II.A]
N. K. VERMA, Desk Officer

Chandigarh.
Dated : 5-1-84

New Delhi, the 25th January, 1984

S.O. 390.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of Cantonment Board, Dagashai and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, CHANDIGARH

I.D. Case No. 124/83158 of 1981

PARTIES :

Employers in relation to the management of Cantonment Board, Dagashai.

AND

N. K. ARYA.

APPEARANCES :

For the Employers—R. L. Gupta.

For the Workman—I. D. Bakshi.

CANTONMENT BOARD DAGASHAI (H.P.)

AWARD

Dated, the 4th January, 1984

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide their Order No. I-13012(3)/81-D.II(B) dated the 13th November, 1981 read with S.O. No. S-11025(2)/83 dated 8th June, 1983 referred the following Industrial dispute to this Tribunal for adjudication :

'Whether the action of the Cantonment Board, Dagashai, in awarding punishment of stoppage of one increment with commulative effect in case of Dr. N. K. Arya, Sub-Charge, Cantonment Board, Dagashai Dispensary is justified? If not, to what relief the workman is entitled?"

2 According to the petitioner workman when he was serving as Sub-charge Cantonment Board Hospital Dagashai, he was served with a chargesheet on false flimsy and imaginary grounds which, however, found favour with the Enquiry Officer in the domestic departmental proceedings, and on his report the Respondent Board imposed a punishment of stoppage of 3 increment with commulative effect. But on appeal, by him to the General Officer Commanding-in-Chief Western Command, Simla, it was modified to the loss of one increment with commulative effect.

3. It was averred by the workman that the departmental enquiry proceedings violate all the accepted norms of equity, good conscience and principles of natural justice, so much so that he was not even granted a personal hearing. Moreover, the punishment was harsh and severe vis-a-vis the allegations. He, therefore, raised an Industrial dispute which could not be settled amicably inspite of the intervention of the A.B.O(C) and hence the reference.

4. Resisting the petitioner's claim on all counts, the Respondent Board questioned the validity of the reference pleading 'Inter-alia' that the petitioner had an alternative remedy under the Cantonment Fund Servant Rules 1937 by way of an appeal before the Government which he did not move and that even otherwise he was not entitled for any relief on merits in view of the proved charges. For the obvious reasons they also asserted to the propriety and fairness of the Enquiry proceedings.

5. On their pleadings, the parties were taken to trial on the following issues framed over and above the terms of reference.

(i) Whether the reference is illegally infirm or incompetent as alleged? O.P.R.

(ii) Whether the petitioner is not a workman? O.P.R.

6. However, inspite of due opportunities the petitioner opted against leading any evidence as should be evident from the statement of his authorised representative taken on the Tribunal records. In my considered opinion in the absence of any material, good, bad or indifferent; it does not appeal to be a judicious proposition to believe that there was any impropriety, irregularity or illegality in the conduct of the domestic enquiry. Moreover we can not loose sight of the fact that the petitioner did not dare reiterate his averments on Oath and that was how that he deliberately avoided his entrance in the witness box, lest the hollowness of his claim should stand exposed on the acid test of Cross-examination

7. I, accordingly, find no substance in the petitioner's grouse against the impugned order and, as such, return my Award against him.

Chandigarh,

Dated : 4-1-1984.

I. P. VASISHTH, Presiding Officer
[No. I-13012(3)/81-D.II(B)]
T. B. SITARAMAN, Desk Officer